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Discussion Paper

The Political Economy of Transitions: Comparative Experiences

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DEMOCRATIC GOVERNANCE



Executive Summary

This paper was intended to provide comparative analysis and a basis for discussion for the [Conference "The Political Economy of Transitions – Analysis for Change"](#), jointly organized by the UNDP Oslo Governance Centre (OGC) and the Norwegian Peacebuilding Resource Centre (NOREF) on 8-9 November 2012. The purpose of the conference was to stimulate dialogue between practitioners, academics, and policy-makers on key issues related to recent and ongoing transitions. It was also to inform the policy-making and policy advice provided by civil society and international actors on the ground. The paper was subsequently reviewed to incorporate key messages from the discussions at the conference and the participants' feedback.

The regime changes in the Arab world – in particular, Tunisia and Egypt– and the process of economic and political reform initiated in Myanmar have renewed international interest in transitions from authoritarian to democratic rule. This paper asserts that with clearer analysis and understanding of previous experiences of transitions, the challenges and opportunities that current transitions present could be better approached and supported.

'Transitional' is a label that is applicable to a diverse range of situations and political and social upheavals. Some are markedly violent and characterized by major fractures in state and society, while others are less overtly so despite catalysing long-running processes of social change. This paper focuses specifically on some of the less violent experiences of transition from authoritarianism towards the development of democratic institutions and processes¹. Although every process of change is specific to its context, there are commonalities between previous transitions in Latin America and Asia and current transitions in the Arab region and Asia from which lessons can be learned. The drivers of the change from authoritarian to greater democracy and the main transition features are points of departure for this analysis.

Transitions, by definition, are evolving processes of uncertain length and sequencing of events. They are also periods of enhanced uncertainty, and may therefore be marked by upheavals and even reversals of the move towards democratic change. While the course of a transition and its overall orientation will largely depend on short-term decisions, those that seek to analyse and support transitions must therefore keep the long-term perspective in mind.

The overall economic situation and the opportunities perceived by various social groups have each played a role in triggering transition. Unequal income distribution, mismanagement of public money and, in some cases, adherence to economic policies influenced by international neo-liberal models have all contributed to some kind of unravelling of the social contract.

Authoritarian regimes have undermined the role of the state in governance, whether by failing in their role of regulation and service provision, or by exercising power in a way that undermines the state's very legitimacy. The social contract between the state, citizens, and communities therefore becomes severely damaged.

The central political and economic role played by the military in most of the countries examined in this paper constitutes a major challenge in the process of transition from authoritarianism to democratic rule. It implies a redefinition of the military's role in a democratic state and a clarification of the relationship between the armed forces and the rule of law.

Given the changes that institutions experience through the course of transitions, as well as changing demands and expectations about their roles and responsibilities, the nature and modalities of public policy-making have proved determining factors in the future ownership and legitimacy of both institutions and policies.

¹ There is no consensus on a clear definition of political transitions. O'Donnell and Schmitter (1986) argue that "transitions are delimited, on the one side, by the launching of the process of dissolution of an authoritarian regime and, on the other, by the installation of some form democracy, the return to some form of authoritarian rule, or the emergence of a revolutionary alternative" (p.6).

Approaches

The paper analyses three experiences of transition conducted or initiated in Latin America and Asia since the mid-1980s – Brazil, Chile, and Indonesia – and uses them as a background to identify key challenges and opportunities for the ongoing transitions in Myanmar, Tunisia, and Egypt.

The choice of these case studies has been informed by the fact that each of these six experiences illustrates – or can, at least, be related to – the four ideal types of transition identified by Karl and Schmitter (1991): pact, reform, imposition, and revolution. Moreover, these six countries share a number of features, which have determined the transition process and its outcomes – in particular a political economic situation with destabilizing social consequences, a military with a major political role, and a very unequal society. The timing has also played a role in the choice of cases. Comparison of experiences that started almost 30 years ago with more recent and ongoing experiences makes it possible to analyse transitions not only in their initial stages, but also to take stock of later evolutions and reorientations over time, as contexts and actors change.

Rather than taking a broad perspective of all facts that contribute to transition, this paper adopts a political economy approach. By looking at the interaction between political and economic processes in society, it provides insight into how the social contract between individuals, communities, and the state has come into question and eventually unravelled. It also illustrates how the social contract is being renegotiated and reshaped.

This discussion paper focuses on just some of the factors that have played a contributing factor in transitions from authoritarianism to democracy. Inevitably, many other factors have been left out or are only partly addressed. It is hoped that the conference will provide space and opportunity to discuss these further based on the issues outlined here, and introduce and expand on other related factors.

Key Lessons

Economic conditions affect political stability; economic spoilers threaten transition.


Institutions under authoritarian regimes tend to shape economic policy and the management of public goods according to elite political and economic objectives rather than encouraging a broader distribution of wealth, regulation that protects individual rights, or a culture of service delivery. In all the transition settings identified in this paper, the economic choices of elites and the demands of the people were not synchronized, and their differences deepened as economic conditions worsened. The initial stages of transition in most of these contexts saw very little in the way of real economic policy change, because of a lack of fundamental change in power structures. Elites with vested economic interests, rather than ideological oppositions, have been the major spoilers in transitions to democratic governance.

A focus on growth without inclusive, pro-poor policy development maintains the status quo.

Calls for change generally seek the redefinition of power structures in society – not just in terms of who holds political office, but also for wealth-making opportunities. Addressing fundamental structural imbalances in, for example, access to education, skills, employment or start-up loans requires the simultaneous development of inclusive economic and social policies. A domestic and international focus on restoring growth without investment in parallel measures to ensure social and economic inclusion has been problematic in transitions. The initial failure of Brazil, Chile, and Indonesia to address social inequalities in a meaningful way has significantly impacted the credibility and legitimacy of their burgeoning democracies.

Realizing democracy requires the growth of civil societies, political parties, and a culture of political participation.

Authoritarian regimes generally maintain power by suppressing opposition, including the organization of agents of political representation. A democratic transition requires the development of sound democratic structures, institutions, and parties. However,



strengthening these structures has not often been a national or international priority in early transition, resulting in the re-establishment of a political culture that is still controlled by elites unrepresentative of the majority and insufficiently accountable. A diverse and free media can play a central part in developing the demand for inclusive politics as well as sound democratic institutions. The demand for participation in decision-making, when it cannot be channelled through political parties, has nevertheless led to innovation in some contexts. New democratic practices have grown in some transitional contexts to fill the gap in representation, although with limited sustainability. Without finding a way to institutionalize broad political representation and change the culture of political participation, it is difficult for the state to realize its citizens' democratic expectations.

Early negotiation of the role of the military in democratic transition is important, but actual change in the balance of military and civilian power is often gradual.

A central feature of many authoritarian regimes is the blurred (or non-existent) lines between military and civilian political leadership. Military institutions often hold power over many layers of political and economic decision-making, and have subverted the rule of law in various ways. The influence of senior military leadership can be widespread, including in the private sector, and military requisitions strictly 'off-budget'. Negotiating the military's role in transition, given their power, economic influence, and their monopoly of force, is key to democratic transition. However, early agreement to preserve military autonomy from civilian control often proves difficult to reverse in the long run, with a gradual rebalancing of civilian authority necessary. The reality of this very gradual shift in power has also often meant that transitional justice processes suffer as military impunity is negotiated as a condition of transition and therefore preserved.

Promoting public participation in policy development is essential for transitions to progress.

As nascent democratic institutions struggle to find their footing and the vested interests of erstwhile power holders continue to affect political decision-making, encouraging broad public participation in policy-making is key. Donor-backed, civil society-based policy support has had impact in some transitions, but can suffer from limited sustainability, association with foreign ideas rather than local needs, and can be limited in the representation of diverse views. Support for public policy dialogue, as well as inclusive models of policy development appropriate for the context, generates debate and ultimately encourages a reformulation of the social contract.

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Section 1 – Socioeconomic transformations and political change

This section focuses on the interaction between socioeconomic transformations and political change. The three sections show how the economy has affected political stability, and how the nature of political arrangements has contributed to shaping economic policy-making.

The first section analyses how the choice of economic models and policies has been dictated and constrained by the nature of transition and specific agreements between elites, rather than by ideological preferences. It also shows how the preservation of elite interests has often prevailed over the need to address social inequalities (1.1).

The second section highlights the importance of time in transitions. It discusses how gradual changes in the balance of power between political actors has allowed for policy reorientations with a greater social component (1.2).

And section three discusses the principal challenges in transitions resulting from the limited capacity of new governments to deal with potential spoilers and to implement simultaneous economic and social reforms (1.3).

1.1 Early economic policy choices dictated by the context and actors in transition

The constraints of 'pacted transitions' (Brazil, Chile)

In Brazil, the military regime's decision to open up the political space in 1974 ('*abertura*') resulted in a new dynamic between the regime and the opposition. That proved difficult to manage when the economy started to deteriorate in the early 1980s. In the 1985 indirect presidential election, defectors from the pro-government Democratic Social Party (PDS) aligned themselves with opposition Brazilian Democratic Movement Party (PMDB) and created the Democratic Alliance. As a result, the regime could not secure the election of its candidate by the members of Parliament, which instead elected opposition leader Tancredo Neves as president.

Only through an alliance with significant and substantial parts of the old regime was the opposition able to assume power in 1985. However, this alliance between elites was to the detriment of wider participation. The negotiating parties were the PMDB, the Democratic Front, the Democratic Alliance, and the armed forces.² After the death of elected President, Tancredo Neves, Vice-President José Sarney, a previous regime leader, assumed the presidency. Six military ministers remained in the government, illustrating the compromises that were made to depose the military regime.

The economic policy in the initial stage of this transition remained cautious. While the new regime had considered three far-reaching reforms in the first year – agrarian reform, major changes in the corporatist labour laws, and a new constitution – only the new constitution translated into reality.³ Tancredo had announced his intention of sponsoring agrarian reform. The initial, and quite ambitious, proposal was abandoned by Sarney in the face of the strong opposition from rural elites and military ministers. A heavily diluted alternative was eventually conceded. The minister of Labour, an ex-labour lawyer for the metallurgical unions in the region of Sao Paulo, proposed major changes to the country's corporatist labour laws. But faced with the same kind of opposition, he was unable to realize those changes. Despite its adoption, conditions for the new constitution were designed to limit the magnitude of change. Drafted by the Congress elected in November 1986, it severely under-represented the more modern and liberal parts of the country.⁴

² Mainwaring, p. 32.

³ Mainwaring, pp.32-33.

⁴ Idem.

Economic orientations evolved significantly with the transition from a model based on import-substituting industrialization (ISI) to a neoliberal framework. The aim of measures known as the Washington Consensus was to secure short-term macroeconomic stability and growth. The Real Plan, which began in 1993, was based on five main policies: import liberalization, exchange rate over-evaluation, domestic financial liberalization, fiscal reforms, and liberalization of capital inflows. The policy reforms dismantled the production systems established during the ISI era and its corresponding social structures and patterns of employment. That led to the privatization of the most productive and financial state-owned enterprises (SOEs), and promoted alliances between foreign and domestic capital at the firm level, as well as the denationalization of industry and infrastructure.

The new economic model was possible, because the Brazilian elites had gradually convinced themselves between the early 1970s and the early 1980s that a new system of accumulation was needed to restore economic dynamism.⁵ Economic reform therefore went hand in hand with political change, as a result of an agreement between elites. While it allowed for successes at the macroeconomic level, it reduced the state's capacity for implementing distributive economic and social policies in the country.⁶ In any case, since the latter were not in the interests of the new ruling elites, there was little chance that any significant measure would be implemented.

The Chilean transition, in contrast, occurred in a context where the overall macroeconomic situation was considered very positive, but with an increasing share of the population living in poverty. The socioeconomic situation played a major role in the coming into power of the opposition in 1990.

In the early 1980s, Chile underwent a comprehensive process of economic restructuring, embodied in a dramatic change in the relative roles of the private and public sectors. The liberalization policies implemented since the mid-1970s were successful in completing stabilization and structural adjustment. Yet the record, in terms of income distribution, was poor. Real wages declined significantly and unemployment grew to unprecedented levels. Moreover, a number of social expenditure items were severely affected by the adjustment, especially in the first half of the 1980s.⁷

The constitution adopted in 1980 stated that a referendum would be held eight years after the extension of President Pinochet's rule to another term. In view of that plebiscite, the opposition formed a broad coalition, *Concertación por el No*, which gathered the Christian Democratic Party, the Socialist Party, and several small left and centrist parties. In the 1989 election, the coalition's manifesto promised more government spending on social services, better health care, training schemes for the young unemployed, a higher minimum wage, a more generous programme of inexpensive housing, and more taxation of the wealthy.⁸ This resulted in the election of opposition leader Aylwin to the presidency.

Despite campaign promises of significant socio-economic reforms favourable to the masses, the *Concertación* had to make a considerable effort to reassure the military and economic elites that the change in government would not result in policies that would threaten their interests. In March 1989, the *Concertación* agreed to support a broad market economy framework and pursue policies consistent with that. Once in power, it reassured the military and the economic elites by accommodating their demands. On economic policy, it also sought consensus often broader than its share of votes in Congress.

Two critical economic reforms were made possible as a result of negotiations on their key details with the centre-right opposition and the eventual support gained from a congressional supermajority:

- a change in the composition of government spending: the share of social spending in the government budget between 1990 and 1999 was 3.4 percentage points higher than in 1988-89; and
- implementation of a tax reform that contributed additional resources for social spending.

⁵ Filho, 2010.

⁶ Filho, p. 16.

⁷ Dornbusch and Edwards, 1995.

⁸ Hojman, 1990.

In 1990, the government also sent labour reforms to Congress for approval. The reforms were partly intended to balance negotiating power between employees and employers, but also raised the minimum wage, the family allowance, and the subsidy for low-income families between 1990 and 1992.

Government officials were able to achieve these limited reforms by explaining to the old guard that these pieces of legislation were the only important changes to the previous regime's economic model, and doing so was necessary if their interests were to be maintained. This was done to make sure that the economic elites and the military would not spoil the transition process.

In Brazil and in Chile, the need for economic policy change was key to the formation of new political coalitions. In both countries, transition was mainly the result of an agreement between elites. Policy choices were therefore made to satisfy the interests of members of the new political coalitions and/or reassuring potential powerful opponents that their own interests would not be threatened. Such deals were, however, achieved at the expense of the demands of significant parts of the population.

The maintenance of politico-business alliances (Indonesia)

The fall of the dictatorship and the shift towards democracy in Indonesia was provoked by the 1997 financial and economic crises in Southeast Asian countries and their domino effects. The economic crisis undermined the legitimacy of President Suharto's regime, and triggered protests that eventually led to the regime's downfall. Military officers close to General Wiranto facilitated transfer of power from Suharto to his deputy, Habibie,⁹ thus negotiating a regime change that cleared the way for political and economic reforms.

Between 1997 and 2003, Indonesia remained under formal International Monetary Fund (IMF) management. Achieving macroeconomic stability was the government's top priority. In late 1997, the government's first measures aimed to halt the slide in the currency and the runaway inflation. This meant borrowing huge sums to support the balance of payments. Not only did reliance on foreign debt have an impact on the state's budget, it also had a significant impact on the course of the transition process, because of the loans' conditions. In the medium term, they implied plans to restructure and recapitalize the heavily indebted banking system and to establish far-reaching structural reforms, including the dismantling of monopolies, price control, privatization of some state-owned companies, and cuts in public expenditure.

Indonesia's transformation into a liberal market economy was ambiguous. Deregulation was selective and the state continued to play a critical role in shaping the market and controlling access to it. The system of power relations that existed under Suharto and the influence of politico-business families and corporate conglomerates survived successive waves of reform.¹⁰ The politico-business oligarchy reorganized its economic power within new political frameworks that retained, intact, the old state-business relations.¹¹ Observers argue that political and business groupings tied to international interests have produced a political gridlock and a roll-back of the democratic transition, as the country is governed by a coalition of entrenched rent-seeking interests.

Widespread social protests eventually forced President Suharto to resign, so it was crucial for the new government to restore the macroeconomic balance and, at the same time, to address socioeconomic inequalities. Possible threats to the transition came from both the crony networks that had constituted the core of the system under Suharto and poorer sections of the population.

In 1998, the government embarked on a series of new and expanded social safety net programmes (JPS), which aimed to mitigate the social impact of the crisis both on groups that had been vulnerable before the change and the new 'crisis-generated' poor. It did so through a range of initiatives, including:¹²

⁹ Mietzner, 2006.

¹⁰ Hadiz and Robison, p. 226.

¹¹ Idem.

¹² Sumarto, Suryahadi, Widyanti, 2002.

- sale of subsidized rice to poor households to maintain food security;
- employment creation in labour-intensive sectors;
- scholarships for students from poor families to enable them to stay in school, and block grants to schools to help them continue operating; and
- subsidies for medicines and imported medical equipment.

In August 2005, the government faced another, if lesser, crisis that forced it to cut the fuel subsidy in order to avoid a deterioration in its fiscal position in the face of high oil prices. This led the president to conclude that macroeconomic stability should be given first policy priority.

Critics have underlined that while the concept of 'economic democracy' had influenced the 1945 Constitution, it is now rarely mentioned. Moreover, rounds of constitutional amendments between 1999 and 2002 threatened that the stipulations that reflected this concept might be eliminated, especially in the sectors of energy (article 33) and education (article 31).¹³

The most pressing concern, therefore, remains income inequality. Many Indonesians have come to question who has benefitted from the transition, as the richest 10 percent of the population are now said to control 90 percent of national assets. Business people are heavily involved in the political sphere, while civil society is largely excluded because of the high costs of participating in the political process.¹⁴

In Indonesia, widespread social protest in the face of economic crisis played a crucial role in the formation of the new political coalition. In addition to the neoliberal measures advocated by the IMF, the first elected governments therefore had to implement early social measures. But there was no fundamental change in the economy's structure or in the domination of the politico-business oligarchy, whose self-preservation remained a priority.

1.2 *The time factor: late and limited acknowledgement of social needs (Brazil, Chile)*

The passage of time since the Brazilian and Chilean transitions allows them to be analysed with a longer-term perspective. Both experiences show that, with time, the specific context in which the 'pacted transitions' took place has changed, so allowing for economic policy adaptations or reorientations.

In Brazil, the composition of the ruling coalition since 1985 was significantly altered with the election of Workers' Party candidate Lula da Silva as president in 2003. This change allowed for a policy reorientation. The country's distribution of wealth is one of the worst in the world, with 8.5 percent of the population still living in extreme poverty in 2009 (less than 70 reais per month, equivalent to \$1.50 a day) and a national poverty rate of 21.4 percent.¹⁵ Despite the central role of the 1984 mobilizations in defeating the authoritarian regime and the promises made during the electoral campaign, very few social measures were implemented after the election. A gradual move was made after the adoption of a new constitution in 1988, but it remained limited. Only after Lula's election were significant social programmes aimed at tackling poverty and inequality implemented.

Currently, the two most important programmes designed to reduce poverty and inequality are the Continued Cash Benefit Programme (BPC) and the *Bolsa Familia*, both targeted instruments of cash transfer programmes. The former was enshrined in the 1988 Constitution

¹³ For details of debates relative to the energy sector, see Butt, Simon and Lindsey, Tim, "Who owns the economy? Property rights, Privatization and the Indonesian Constitution", in McHarg, Aileen, Barton, Barry, Bradbrook, Adrian & Godden, Lee (eds), *Property and the law in energy and natural resources*, Oxford, Oxford University Press, 2010, pp. 236-254. Regarding education, see WORLD BANK, *Spending for Development. Making the most of Indonesia's new opportunities*, Indonesia Public Expenditure Review, 2008, p. 33.

¹⁴ Dr Revrisond Basmir, Universitas Gadjah Mada, Indonesia. Conference presentation, Oslo, 8 November 2012.

¹⁵ See The Economist, www.economist.com/blogs/dailychart/2011/11/focus; World Bank, <http://data.worldbank.org/country/brazil>

and later regulated by ordinary legislation, while the latter was created in 2003 by a presidential provisional measure, which was later translated into law.¹⁶ As a programme established by the Constitution, BPC is less vulnerable to fiscal adjustments, budgetary cuts, and other contingencies. But more attention has been paid to the *Bolsa Familia*, because of its strong association with the (Lula) government that created it.

The two programmes target different groups. The BPC was first implemented in 1995. It is a monthly unconditional cash transfer targeted at individuals of any age with severe disabilities and to the elderly over 65, with family per capita income below one-fourth of the minimum wage. Although the Ministry of Social Development (MDS) is in charge of coordinating the programme, the benefit is applied for in the branches of the National Social Security Institute (INSS). For disability benefit, beneficiaries are generally selected by doctors.

The *Bolsa Familia* programme, meanwhile, is a cash transfer that was launched at the end of 2003. It was a result of unification of a series of pre-existing conditional cash transfer programmes. It is aimed at low-income families, particularly pregnant or lactating women, children, and adolescents. Municipalities are largely responsible for beneficiary selection. The programme includes education and health conditional on the receipt of transfers, basically related to school attendance, children's immunizations, and pre- and post-natal care.¹⁷

In 2008, analysts felt that the programmes were achieving their intended goals, i.e. reducing poverty and inequality with costs compatible to Brazil's budgetary capacity.¹⁸ It was estimated that they alone were accountable for 23 percent of the fall in income inequality between 2001 and 2004.¹⁹

In Chile, the balance of forces within the political coalition born in 1989-1990 has gradually and similarly changed. From the early 2000s, the reduced influence of the military and its supporters allowed Social-Democrats Ricardo Lagos and Michelle Bachelet to implement further-reaching social measures. However, the extent of change remained limited.

Chile has a high level of income inequality compared to both developed countries and to Latin American standards.²⁰ After the political transition, successive *Concertación* governments did little to abandon or change the basic welfare institutions inherited from the military regime (characterized by privatization of social security and decentralization of health care).²¹ The first steps taken towards creating a social policy mainly dealt with identifying needs, developing a social promotion strategy, and strengthening community organizations. Tax reform was introduced to finance an increase in social assistance, and decentralization was promoted.

One of the most important initiatives was undertaken under President Lagos with the creation of a social protection system for the poor, *Chile Solidario*, in 2004. In March 2008, the Bachelet administration succeeded in adopting a reform that notably increased minimum pensions and provided non-contributory pensions to people over 65 with the lowest incomes.²² While powerful private interests prevented more extensive reform, the result of those implemented by the Bachelet administration was a layering of new protections for those vulnerable or likely to be excluded from the existing system.

Indicators show that income inequality has fallen in Chile since 2000. By 2006, the percentage of poor people stood at just one-third of the 1990 level: a dramatic decline in poverty in a relatively short period of time.²³ But as with previous *Concertación* governments, the measures implemented focused largely on allocating additional funding to social policies rather than on any structural changes to the existing social security systems.

¹⁶ Medeiros and Britto, p. 2.

¹⁷ Garbelotti.

¹⁸ Idem, p. 1.

¹⁹ Medeiros and Britto, p. 13.

²⁰ Larranaga, p. 6.

²¹ Dion, 2009.

²² Idem.

²³ Larranaga, pp. 6-9.

The consequences of failure to implement meaningful changes have started to manifest themselves in social protests.²⁴ These have included large student protests in mid-2011 that demanded reform of the education system, which had been largely privatized under General Pinochet's rule.²⁵ Protesters criticized the system for failing families with poor quality public schools, expensive private universities, unprepared teachers, and banks that make education loans at high interest rates that most Chileans can ill afford. Similarly, the health system is considered a failure.²⁶

Income inequality therefore remains a very substantial challenge, all the more so because it has helped to fuel a crisis over the legitimacy of democracy.

As the transition underwent different phases in Brazil and Chile, the constraints placed on policy-making by the original pact between elites have gradually weakened. This allowed for the formation of new political coalitions (Brazil) or has given elected governments (Chile) wider margins in which to manoeuvre. This translated into greater attention paid to the social dimension of economic policies. In Brazil, Chile, and Indonesia, however, failure to meaningfully address social inequalities has significantly impacted the credibility and legitimacy of democracy.

1.3 Challenges and lessons learned for Myanmar, Tunisia and Egypt

1.3.1 Identifying and containing potential spoilers

Experience shows that the composition of new political coalitions and the balance of power between new governments and former elites play a crucial role in economic policy choices in times of transition. Because of possible convergence of interests between elites, reforms may maintain the pattern of exclusion characteristic of the former regimes. Similarly, new governments may feel constrained to make compromises with former elites in order to avoid their spoiling the transition process.

In Myanmar, Tunisia, and Egypt, one major challenge of the ongoing transition will therefore be the new governments' management of potential spoilers and their capacity to ensure that change is not created by non-elected groups or institutions in the decision-making process.

Pillars of former regimes

In Myanmar, the three main economic power centres were the military regime's business associates, the military itself, and the ruling party, the Union Solidarity and Development Party (USDP). Some within these groups could lose significantly in the transition and may therefore have an interest in derailing the process. The main issues, then, are whether they will have the will or the capacity to resist change, and how they can be prevented from derailing the process. For some analysts, the broad consensus among the political elite on the need for fundamental change means that the risk of a reversal appears low and that there is no coherent group of disaffected individuals with the power to undo the process.²⁷ Other experts consider that if the reforms were to falter, or if there were signs of instability, both cronies and members of the USDP could press for a return to more authoritarian control.²⁸

The experience of Indonesia and elsewhere may be relevant for Myanmar, however. Given the nature of the new political coalitions, there is a risk that economic reforms will be implemented that will not break the power of the politico-business-military oligarchies and will therefore not significantly change the pattern of power relations.

²⁴ Siavelis and Sehnbruch, p. 30-31.

²⁵ See www.huffingtonpost.com/2012/08/14/chile-protests-schools_n_1777347.html.

²⁶ See www.plosmedicine.org/article/info:doi/10.1371/journal.pmed.0050079.

²⁷ ICG, 27 July 2012.

²⁸ Clapp and DiMaggio, 2012.

In Tunisia, the Constitutional Democratic Rally (RCD), the ruling party during the Ben Ali regime, dominated all aspects of political, economic, and social life before the regime's downfall on 14 January 2011. There was neither real separation between the state and the party nor real electoral competition. In addition to ministers in the successor interim government, estimates indicate that there are 2 to 3 million ex-RCD cadres and officials still active in the bureaucracy, security apparatus, and the private sector²⁹ with a possible interest in derailing the transition process and provoking a backlash against the new authorities. One major issue following the downfall of the regime has been how best to deal with former party members that have continued to hold power.

On 9 March 2011, the RCD was dissolved by the Court of First Instance in Tunis, and its property and funds were liquidated.³⁰ On 12 April 2011, a majority of the High Commission entrusted with preparing the election of the constituent assembly decided that all former RCD-office bearers should be banned from future office.³¹ Article 7 of the 2011 law on political parties stated that individuals who held senior positions between 7 November 1987 and 14 January 2011 were to be prohibited from belonging to any current political party for five years from the time the law takes effect. Those covered include members of the successive governments; the RCD's Secretary-General and Deputy Secretary-General; members of the party's political bureau and central committee; the secretaries-general of the party coordination committees and regional sections; and the presidents of the party's local sections. Yet half of the more than 100 political parties that registered for the October 2011 elections were either backed or created by former members of the RCD.³²

In an attempt to curb former regime insiders' covert manipulation of the transition process, the Congress for the Republic (CPR), one of Tunisia's governing coalition parties, submitted a draft law that added a paragraph to article 7 of the 2011 law in April 2012. The draft law bans members of (the now defunct) RCD and other individuals that held specific positions in the previous Ben Ali regime from joining other political parties. The draft still has to be submitted to the full Assembly, where passage requires an absolute majority, or the votes of 109 of 217 members. Such a law would set the stage for the near-total political exclusion of thousands of people based on their past political association.³³

Recent reports have, though, described networks of former notables – sometimes local leaders of the RCD – having reconstituted and playing a role in violent local conflicts,³⁴ contributing to a serious deterioration in the security situation. Similarly, it has been argued that businessmen whose economic positions were consolidated under the former regime are trying to preserve their monopoly rents by creating local tensions.³⁵

Economic recovery has also been impeded by the bureaucracy's reluctance to accept Ennahda's rule, while the Islamist party cannot yet rely on supporters in the intermediate levels of the administration. Similarly, given that there has been no significant change in the composition of business elites after Ben Ali's departure – the most influential being businessmen from Sfax and the Sahel regions – the new government may find it difficult to secure their cooperation or make them play a constructive role in the transition. In a context where personal relations and connections still play a central role, Ennahda's leadership knows that the only way to implement its economic policy is to rely at least in part on the former regime's networks. Yet this is hard for Ennahda's rank-and-file members and local leaders to accept, because they expect genuine change as well as rewards for the sacrifices they made.³⁶

Egypt's National Democratic Party (NDP), established by President Anwar Sadat in 1976, remained the country's dominant party until Hosni Mubarak regime was overthrown on 11 February 2011. During Mubarak's rule, the NDP functioned as an instrument of executive power and a patronage mechanism. In addition to its control of core legislative institutions, the NDP dominated Egyptian cultural and

²⁹ See, Honwana, Alcinda, "Youth and the Tunisian Revolution", Paper prepared for the Conflict Prevention and Peace Forum, Social Science Research Council, September 2011.

³⁰ See www.aljazeera.com/news/africa/2011/03/20113985941974579.html.

³¹ See www.aljazeera.com/news/africa/2011/04/2011427185824517250.html.

³² <http://english.alarabiya.net/articles/2011/10/20/172739.html>.

³³ For comments on this draft law, see Human Rights Watch, "Tunisia: Draft 'Political Exclusion Law' Invites Abuse", 13 October 2012, www.hrw.org/news/2012/10/13/tunisia-draft-political-exclusion-law-invites-abuse.

³⁴ ICG, 6 June 2012, pp. 16-18.

³⁵ *Idem*.

³⁶ Author's interview with a Tunisian researcher, July 2012.

political life through the education system and through oversight committees that regulated the activities of authorized political parties and civil society organizations.³⁷

On 16 April 2011, Egypt's high administrative court issued a ruling to dissolve the NDP and seize its funds, while its headquarters and buildings were to be handed over to the government.³⁸ However, the transition has until recently been marked by controversy over what has been termed the "treachery law".³⁹

Groups and individuals linked to the former regime might have an interest in impeding the transition. These include businessmen who might feel threatened by competitors close to the Muslim Brotherhood now in power, former cadres of the National Democratic Party (NDP), local notables and members of the security apparatus who might have an interest in showing that the new authorities are unable to control the situation and have the capacity to incite violence and sectarian clashes.

Interest in keeping a direct presence in the transition by former regime insiders was seen when the former intelligence chief, General Suleiman, and erstwhile Prime Minister, Ahmed Shafiq, decided to run for the presidency. In response to their decision, the Parliament amended the law on exercising political rights in order to prevent top former members and officials of the Mubarak regime and its now defunct ruling NDP from exercising their political rights for 10 years.

But on 14 June 2012, the Supreme Court decided that the Political Exclusion Law was unconstitutional and that former Prime Minister Ahmed Shafiq could continue to stand for President in the June 16-17 run-off election.⁴⁰ In September 2012, the Supreme Administrative Court confirmed the right of former members and leaders of the dissolved NDP to run in the forthcoming parliamentary, legislative, and local elections. The court also ruled that even former NDP leaders, such as the Secretary-General or the governorates' secretaries, have the right to run, because no citizen should be isolated from the political activity.⁴¹

Article 232 of the Constitution adopted by referendum in December 2012 stipulates that NDP leaders are forbidden to undertake political activities or run for presidential and legislative elections for 10 years from the Constitution's entry into force. NDP leaders subjected to this rule are all the members of the party's General Secretariat, Policies' Secretariat, Political Bureau, and members of the two chambers of Parliament during the two legislatures preceding the revolution.

The military

The central issues in Myanmar and in Egypt include the political role of the military, and the shift in the balance of power between the military and the new government.

In Myanmar, the exit strategy engineered by General Than Shwe has allowed for a generational transition and the nomination of new leaders for key positions after 2010 (not considered free and fair) elections.⁴² Nevertheless, the government still includes many members of the previous military regime. The President is a former Prime Minister and a career military officer.

Egypt's Supreme Council of the Armed Forces (SCAF) directly assumed political leadership from February 2011 until the presidential election of July 2012. While in power, it determined the rules of the transition through secretly drafted constitutional declarations. It also decided when and which political forces to consult in making important decisions, for instance on the new electoral law or the formation of the constituent assembly⁴³. Yet SCAF chose not to oppose the democratic election of the first civilian president, Muslim Brother

³⁷ <http://egyptelections.carnegieendowment.org/2011/09/22/national-democratic-party>.

³⁸ www.aljazeera.com/news/middleeast/2011/04/2011416125051889315.html.

³⁹ On this issue, see for instance <http://weekly.ahram.org.eg/2011/1070/op151.htm>.

⁴⁰ www.bbc.co.uk/news/world-middle-east-18439530.

⁴¹ See www.sjs.gov.eg/En/Story.aspx?sid=64109.

⁴² ICG, 7 March 2011.

⁴³ See for instance Brown, Nathan, « Egypt's transition imbroglio », Carnegie Endowment for International Peace, 16 April 2012, <http://carnegieendowment.org/2012/04/16/egypt-s-transition-imbroglio/a8xc>.

Mohamed Morsi. Contrary to popular expectations at the time of his election, President Morsi has gradually imposed a new balance of power between the Presidency and the military.

The apparent agreement between the two groups has raised questions over the kind of compromises that might have been agreed behind closed doors. Still a major economic actor,⁴⁴ the military may emerge as a major obstacle to popular demands for social and economic reforms, because of vested economic interests.

1.3.2 *Implementing simultaneous economic and social reforms*

Experience suggests a tendency in new governments to focus on macroeconomic reforms and the restoration of growth to the detriment of socially-oriented measures. But such a strategy may prove particularly inappropriate for both Tunisia and Egypt, where regime change was triggered by popular calls for social justice. Nor is it likely to work in Myanmar, where peace and social cohesion are yet to be achieved.

In such contexts, economic and social policies based on inclusive, pro-poor growth appear to be the best policy options. However, the realization of such policies is a particular challenge for new governments, given their pragmatic interest in appeasing the old guard, coupled with international pressure to implement traditional market-oriented policies.

Myanmar

The degradation of the macroeconomic situation played an important role in the decision of the military regime to accelerate economic and political reforms. The new semi-civilian government that came to power in March 2011 inherited a dysfunctional economy, resulting from decades of mismanagement as well as from the impact of international sanctions.⁴⁵ Key factors inhibiting the country's growth rate in recent decades include low investment; frequent episodes of macroeconomic instability; low levels of industrialization; a weak banking sector; and numerous distortions and inefficiencies, with the multiple exchange rate regimes being the most important. Major reforms were considered necessary to increase competitiveness and prepare the country for its entry into the ASEAN Free Trade Area in 2015.

The transitional phase is therefore from a managed economy to a market economy. The exchange rate crisis proved crucial in the military regime's commitment to economic reform. In a recent report, ICG argued that the managed float of the kyat has been a key reform for rationalizing the state budget, reducing inefficiencies and rent-seeking opportunities in the economy and creating space for private sector development. Other steps need to be taken to ensure that the exchange rate is stable and predictable, which is vital for building business confidence in the currency. In the long term, the economic base needs to be diversified, by supporting new job-creating industry and reducing over-reliance on exploitation of natural resources.⁴⁶ Budget priorities would also need to be reconsidered, particularly high military spending and very low spending on social service provision.

The government has taken a number of important steps since March 2011.⁴⁷ Officials highlight the following principal economic priorities: developing industrial agriculture; ensuring balanced regional growth and inclusive development for the whole population; collecting quality statistics.⁴⁸

Experts argue that the country has much potential for rapid economic growth and development given its rich natural resources, abundant labour force, and strategic location between China and India. They also consider that recent reforms have opened up a wide range of economic opportunities, including foreign investment in key sectors that are outdated due to decades of isolation.

⁴⁴ Abul Magd, 2011 & 2012.

⁴⁵ ICG, 11 April 2012.

⁴⁶ ICG, p. 19.

⁴⁷ ICG, 22 September 2011, p. 8.

⁴⁸ Dr Kan Zaw, Minister of National Planning and Economic Development of Myanmar, conference presentation (Oslo, 8 November 2012).

The speed and extent of these reforms have raised questions over the sustainability of the process. The government is also confronted with continuing international sanctions that limit its capacity to receive assistance for the development and implementation of economic reforms. There is notably limited institutional and technical capacity to carry out detailed policy formulations and to implement some of the reform measures being adopted. This acts as a brake on the process and means that citizens are slow to see the impact of some changes.

There is a risk that major policy changes in a context of unreliable data and weak economic institutions could create unintended economic shocks. Given the high levels of impoverishment and vulnerability, even a relatively minor shock has the potential to cause a major impact on livelihoods. At a time when expectations are running high, and authoritarian controls on the population have been loosened, there would be a potential for unrest.⁴⁹ While Myanmar has still not achieved peace, there is a special need to pay sustained attention to social cohesion. Economic reforms implemented without social safety nets being in place might give rise to renewed social tensions and violence.

Tunisia

Despite its economic growth and macroeconomic performance before the revolution,⁵⁰ Tunisia was faced with problems that increasingly threatened the authoritarian 'bargain' between the regime and society: the growing inability of the economy to create jobs for educated labour, the proliferation of marginal and poorly paid jobs in the informal sector, and rising income inequality and regional disparities. Gradually, the losers from the status quo became more numerous than the winners, which led to an erosion of the regime's legitimacy and opened the way for the unprecedented social protests in December 2010. The demonstrations that led to the fall of President Ben Ali were triggered largely by demands for social justice, employment opportunities, and an end to corruption.⁵¹

Political instability and a growing sense of insecurity have seriously damaged the overall economic situation after January 2011. Tourism earnings, which represents 6.5 percent of GDP and is the largest provider of foreign exchange, fell by more than 50 percent. Foreign direct investment (FDI) dwindled by 20 percent and more than 80 foreign companies left the country. The unemployment rate rose to 17 percent, compared with 14 percent before the revolution. Both the public deficit and current account deficit increased.⁵²

With that background, the new government insisted on the introduction of economic policies that aim to support growth while reducing social inequalities. In April 2011, it announced a 'short-term economic and social programme' focussed on five priorities: security, job creation, support for economic activity and access to finance, promotion of regional development, and provision of targeted social aid. In addition, a complementary budget bill was approved in June 2011 in which projected spending was increased by 11 percent. Nevertheless, most announced measures remained vague and lacked firm implementation schedules.⁵³

Analysts have argued that the government's strategy should focus on:⁵⁴

- developing a strong and competitive private sector (to sustain job creation);
- supporting small and medium enterprises;
- designing incentives to channel resources towards selected high-value added and knowledge intensive sectors;
- reforming the tax system in order to remove distortions and achieve an equitable sharing of the taxation burden and more effective social spending (including the use of instruments such as gender and participatory budgeting); and

⁴⁹ ICG, 27 July 2012.

⁵⁰ CEIP, December 2011, pp. 4-5.

⁵¹ ICG, June 2012, pp. 5-6.

⁵² CEIP, December 2011, p. 5.

⁵³ CEIP, December 2011, p. 5.

⁵⁴ CEIP, December 2011, pp. 3-4.

- designing a comprehensive regional development strategy that responds to the full diversity of socio-economic interests and needs.

The new government has so far taken very little action on the economic front and Tunisians have grown increasingly impatient over recent months, raising fears of renewed widespread protests and increased violence.⁵⁵

Egypt

In the immediate run-up to the revolution, there was a positive global view of the Egyptian economy's performance. Structural reforms implemented under the influence of the IMF had accelerated in the 2000s, moving the country towards a more market-oriented economy and prompting increased foreign investment. Macroeconomic growth averaged 5 percent annually between 2005 and 2010. Yet an expected trickle-down effect of these policies had been slow to emerge and an increasing number of people, especially among the poor and middle-class families, felt that the benefits of growth were not equitably shared. Growing unemployment, especially among the youth, added to the hardships experienced by many Egyptians. Inequality and corruption plagued the economy, as wealth and political power were increasingly linked and a wealthy minority hijacked the fruits of growth.

This deepened the regime's crisis of legitimacy. When the scale of the popular upheaval of January/February 2011 increased significantly, the military, which had on several occasions voiced its opposition to the economic orientations taken since the mid-2000s,⁵⁶ distanced itself from President Mubarak and his clan, choosing instead to lead the transition process.

The sense of insecurity and multiple strikes and protests have seriously impeded economic activity. Since early 2011, GDP has declined by almost 4 percent and manufacturing by 12 percent. Revenue from tourism has collapsed, putting pressure on the balance of payments, which in turn has sparked a slide in foreign reserves. Official reserves have fallen by \$21 billion since early 2011 to \$15 billion, which is enough to cover just three months' worth of imports.⁵⁷

Against this background, experts argue that the government needs to strike a balance between satisfying immediate demands for social justice – with the imperative of resisting external pressures – while taking the long-term process of reforming the economy forward. Some have argued that the new government should focus on a number of priorities.⁵⁸

In the short term, the private sector's image – which continues to carry negative connotations (corruption and collusion with the security services) – needs to be rehabilitated so that it can contribute to economic recovery. The government should also stop borrowing from the domestic market, which absorbs a significant amount of liquidity that could otherwise benefit other sectors and delays many pressing decisions, such as reconsidering the tax structure and government subsidies. More attention should also be given to small and medium enterprises, which employ the largest number of workers.

In the long term, there must be a rehabilitation of the increasingly unproductive agricultural sector, which absorbs a large number of workers, and the manufacturing sector.

Faced with continuing protests and rising tensions, the transitional government reacted initially by inflating the budget to appease protesters. For instance, it offered fixed-term contracts to 450,000 temporary employees and approved a 15 percent public sector pay increase that will raise the total pension expenditure.⁵⁹ While an elected government is now in place, no overall strategy to address economic and social challenges has yet been designed. And neither have significant measures aimed at addressing the severe inequalities that triggered regime change been introduced.

⁵⁵ ICG, June 2012.

⁵⁶ Collombier, p. 10.

⁵⁷ See <http://english.alarabiya.net/articles/2013/01/11/259817.html>.

⁵⁸ Saif, July 2012.

⁵⁹ Saif, p. 3.

Of greater concern, there has been no indication that the new government's economic programme will be significantly different from that of the Mubarak regime. In August 2012, Egypt requested \$4.8 billion in economic assistance from the IMF to help stabilize the economy. Now experts expect that the conditions for such a loan will be the usual sets of reforms,⁶⁰ and will for instance require the end of subsidized petroleum and food products. If not counterbalanced by other measures aimed at supporting the poorest, such policies would have an extremely negative impact on the social situation.

Analysts underline that the new Islamist-led governments in Tunisia and Egypt essentially call for an increase in growth rates, stimulation of the private sector, and attraction of foreign investment, at the expense of development and equitable distribution of income and resources. They argue that an end to corruption will be sufficient to erase the system's flaws.⁶¹ There has also been an attempt to silence opposition to this economic trend, particularly in Egypt given the Brotherhood's control of labour unions and professional associations.⁶²

Since the revolutions, the number of protest movements, strikes and sit-ins in both countries has increased⁶³ due to deteriorating economies and a failure to implement significant social measures. In Egypt, a deteriorating security situation in conjunction with the stumbling economy has influenced a significant number of Egyptians to question the benefits of transition, as there is no perceived benefit in having a new government unless it is able to improve their living conditions.⁶⁴

Section 2: State-society relations

This part focuses on the need for a profound reshaping of state-society relations in the transition period. Authoritarian regimes have not only delegitimized the state in the citizens' eyes, they have also in many cases deeply affected social cohesion. New mechanisms and institutions allowing for sustained interaction between the state, individual citizens, and communities need to be imagined if a viable democracy is to be built.

The first section underlines how traditional intermediary institutions, such as political parties, are affected by a deep crisis of legitimacy. It shows that any effort to build effective democracy should focus on strengthening those institutions. It also highlights that despite current shortcomings, the media could play a positive role in enhancing political inclusion (2.1).

The second section focuses on recent experiences of democratic participation in Brazil and Indonesia, underlining their successes and limitations (2.2).

The third section addresses the current challenges in Myanmar, Tunisia, and Egypt. It stresses the need to strengthen traditional intermediary institutions and to establish creative mechanisms to ensure participation in decision-making at the local level and inclusion of marginalized communities (2.3).

2.1 Classic intermediary institutions that do not fulfill their role

⁶⁰ Shapiro, 2012.

⁶¹ Al-Anani, 2012.

⁶² Idem.

⁶³ D'Araujo, Maria Celina: *Militares, democracia a desenvolvimento. Brasil a América do Sul, Rio de Janeiro*, Editora da FGV, 2010.

⁶⁴ Author's interviews, Cairo, June 2012.

2.1.1 Political parties and institutions

Political theory views political parties as the main agents of political representation, which play a crucial role in articulating and aggregating citizens' demands in democracies.⁶⁵ As one of the main intermediaries between the state and citizens, one would therefore expect parties to play a major role in transitions. In Brazil, Chile, and Indonesia, however, the very pattern of transition has seriously impeded that role, as well as that of democratic institutions in general. With each successive wave of democratization, political parties seem to have become weaker, as they are not anchoring people's expectations. And it is they themselves that have often themselves perpetuated operating modes that are not democratic.

Brazil

In Brazil, political parties have proliferated since 1985. But the party system remains little institutionalized and extraordinarily fragmented, with several parties too weak to have a nationwide presence. That restricts their individual electoral successes to limited constituencies.⁶⁶ The Workers' Party (PT) appears as an exception. It highlights the decisive role of political parties in channelling the demands of ordinary citizens into mainstream politics.

While Brazilian politics has traditionally been elitist, trade unions and leftist parties have made a serious attempt to break from that tradition by claiming access to, and inclusion and participation in, the national political sphere. Formed in 1980, at a time when social movements were growing in confidence, the PT has become a symbol of this popular struggle. Born out of the metal working unions of Sao Paulo, the PT is unique in the Brazilian political spectrum. It differentiated itself from most other parties in that it was essentially a party with its roots in mass movement. Emerging from new unionism, it attracted a variety of other social movements, such as the Catholic Church, left-wing intellectuals, and feminist groups. These groups, which had previously been on the fringes of a clientelistic state and were either ignored or repressed by the authoritarian regime, have been incorporated and represented in the democratic system. The PT has gradually developed into a progressive catch-all party for Brazil's marginalized sectors, and has become a major democratizing force. It has maintained a low level of entrenchment, making leaders accountable to its membership's rank and file. Frequent internal elections allow party members to hold their leaders accountable and adapt their policy preferences over time.⁶⁷

Because of the party's internally democratic institutions of participation and contestation, the PT's evolution to a more moderate and pragmatic party has been a bottom-up change. The PT has become more moderate over the last decade as it gained support and won elected office at all levels of government. There has gradually been an ideological shift towards acceptance of the economic consensus around neoliberal market reforms. This helped to mitigate the potential for an elite reaction to the election of a left-wing party, and proved a successful strategy for the municipal elections of 2000 and successive presidential elections since 2002.

It is widely argued, though, that the use of Brazil's democratic institutions has been perverted, because of the weakness of the party system and the complexities of the institutional framework. This has seriously impeded effective representation of citizens and the capacity to implement significant policy change.

The electoral system (open-list proportional representation for the legislative elections) and the high levels of political decentralization (federal system) have contributed to the creation of a political culture based on personalized politics, narrow self-interests, and clientelistic relationships. Poverty forces the poor to accept only minimal benefits in return for their political support, effectively creating a second-class citizenry.⁶⁸

⁶⁵ Huntington, 1968 and 1991; Diamond, 1999 and 2001; Mainwaring and Scully, 1995.

⁶⁶ Lobo, 2010.

⁶⁷ Brodie, 2004.

⁶⁸ Brodie, p. 10.

The institutional framework has stymied attempts at reform at the national level, mainly because it has fragmented the legislative process and created a large number of 'veto players' that can efficiently resist change and reform.⁶⁹ The constitution disperses power both horizontally – between bureaucracies, Congress, the judiciary, and the executive – and vertically, by giving huge political and fiscal power to the states. Due to the federal system, most of the fiscal distributive power is concentrated at the state level. Accordingly, instead of a party having a single, central decision-making process at the national level, coordination needs to occur between all 26 state party leaders for large reforms. The reform of the health system in 2003, and the way it had to be watered down during the negotiation process, illustrated how Brazil's political institutions have a debilitating effect on the legislative process and help serve the interests of elites.⁷⁰

Chile

Elite politics has been at the core of Chile's successful transition. Since 1990, the political system has been characterized by a supra-party political elite, the negotiation of elaborate power sharing arrangements in the executive branch, and the elite's domination of the candidate selection process.⁷¹ The electoral system also helped to reinforce the elite power-sharing arrangement. Tripartite negotiations were introduced between the government, employers, and labour organizations as a way to reach agreement on major policy decisions. In this context, policy experts and technical cadres, who were seen as the main pillar for consensus building, have gained enormous influence in policy-making processes.⁷²

If this pattern had a stabilizing effect during the transition period, it became counterproductive in the era of democratic consolidation. **The principle of deal-making, the very basis on which successive *Concertación* governments were built, has undermined democratic responsiveness, accountability, and legitimacy.**⁷³ The government's emphasis on consensus has reduced the influence of parties, and technocrats' policy preferences prevailing.⁷⁴ Negotiated agreements outside Congress have often been the norm between the *Concertación* and its allies, such as trade unions. This model has relegated the role of the citizenry and Congress in government policy-making. Political parties are less connected to their constituencies, and their ability to satisfy sectoral demands and distribute benefits to specific groups is now more limited than previously.⁷⁵

Since 1990, the two main coalitions have also increasingly converged in terms of their political agenda. The consensus model has prevented deeper and much-needed reforms to the political, economic and social system. It has focused on preserving the economic and social security structures set up under the Pinochet dictatorship. Although the *Concertación* governments have significantly increased fiscal expenditure on social policies, they have not in any way touched the privatized structures of healthcare and pensions or attempted any form of redistribution.

Ordinary Chileans therefore have few tools with which to shape the political agenda or to hold leaders accountable. While there is a mass public demand for practical changes and solutions to everyday problems, there have been increasing levels of intolerance with elitist institutions and the mechanisms of policy-making. Public opinion survey data suggest citizens' disgust with politics as the norm.⁷⁶ The Chilean public is no longer willing to excuse limited popular input and an absence of deeper reform as an inevitable result of the delicate politics that characterized a sensitive transition. Chileans have increasingly disengaged from formal political participation, and this is reflected by, for example, lower voter registration and lower electoral turnout. There is obviously a need to move towards a more inclusive form of politics.

⁶⁹ Brodie, 2004.

⁷⁰ Brodie, 2004.

⁷¹ Siavelis and Sehnbruch, p. 7.

⁷² Montecinos.

⁷³ Siavelis and Sehnbruch, p. 6.

⁷⁴ Montecinos.

⁷⁵ Montecinos, p. 11.

⁷⁶ Siavelis and Sehnbruch, p. 15.

Indonesia

Despite the successful introduction of formal electoral democracy, the traditional institutions of liberal democracy are still largely absent in Indonesia. Many commentators suggest that Indonesia's political system has remained as exclusive as it has ever been.

To assess the country's 20 year democracy consolidation plan, the government introduced the Indonesian Democracy Index (IDI).⁷⁷ Its aim was to support a nationally-owned process with which to assess and monitor democratic governance goals and realizations. It uses newspapers reviews, focus group discussions, and expert interviews to assess civil liberties and political rights, as well as the performance of institutions by province. In 2010, IDI results show that democracy actually regressed from the previous year.⁷⁸

Political parties have been confronted with new pressures in recent years. Voter identification with parties is said to have declined, notably as a result of the homogenization of parties (their "flight to the centre") and the relative decline in identity politics, in which voters traditionally tended to vote along socio-religious lines. This void has not been replaced by contestation over policies – because parties have increasingly produced almost identical policy platforms – and party activity has largely been fuelled by 'money politics' or 'distributional politics'.

Under Suharto, the ruling Party of the Functional Groups (GOLKAR) continued in office under Habibie's presidency (1998-1999). Since 2004, it has been part of the ruling coalition headed by President Yudhoyono. Contrary to most expectations, the New Order's political machine did not crumble after Suharto's fall. As the most-institutionalized party in Indonesia, GOLKAR also benefitted from the fact that post-Suharto governments could not afford to antagonize the old oligarchic elites, which maintain most of their influence by creating new political alliances.⁷⁹

Consequently, there has been a sharp decline in the public's opinion of political parties and increasing disillusionment with the electoral process since 1999. Surveys have indicated that political parties are considered among the most corrupt organizations in the country and among the least trusted.⁸⁰

In formal constitutional and political terms, the Indonesian Parliament (DPR) has undergone a transformation since its days as the Suharto regime's rubberstamp. The DPR has ended the monopoly on decision-making once exercised by the President. The free elections of 1999 invigorated it with a new legitimacy, which gave it confidence to intervene in the operation of the government in an unprecedented way, for instance with the removal from office of President Wahid in 2001.

Yet the DPR has remained largely captured by a culture that lacks transparency and accountability. Public perceptions of inattention to duty and corrupt and rent-seeking behaviour have seriously tarnished its image. Observers have highlighted the poor record of communication with constituents.⁸¹ Very few members have any kind of office or other public presence in their electoral districts. The electoral system has also perpetuated this situation. The party list system means that a higher ranking in the party's list is the most important determinant of electoral prospects. This has exacerbated a lack of internal party democracy. In the DPR, members are regarded as the instrument of their party rather than being chosen by voters to represent them in Parliament.

The bureaucracy continues to play a major role in formulating government policy. Parliament lacks the capacity to take full advantage of its legal authority, and politico-bureaucrats are able to influence parliamentary decisions through corruption.

⁷⁷ See www.gaportal.org/undp-supported/indonesia.

⁷⁸ According to Mr Indrajaya, Deputy director for political affairs, National Development Planning Agency (BAPPENAS), Indonesia (conference in Oslo, 8 November 2012).

⁷⁹ See Tomsa, Dirk, *Party Politics and Democratization in Indonesia: Golkar in the Post-Suharto Era*, London and New York, Routledge Contemporary Southeast Asia Series, 2008.

⁸⁰ Sherlock.

⁸¹ Sherlock, 2003, p. 42.

Some have argued that the process of democratization has removed key obstacles to organization by poor and disadvantaged groups and their NGO allies, making it easier for them to engage in collective action aimed at pro-poor policy change.⁸² They underline that poor and disadvantaged groups have had the opportunity to establish new representative organizations outside the corporatist structures associated with the old regime. There was, for instance, a huge increase in the number of trade unions, dramatic growth in the number of organizations representing peasant and indigenous communities, and establishment of women's organizations. It is also argued that there has been an electoral incentive for political representatives to pursue policies that favour the poor and disadvantaged (including peasants and indigenous groups). Despite such improvements, it is recognized that these new organizations still lack organizational capacity and access to the material resources necessary for their empowerment.⁸³

In most cases, rather than fulfilling a role as intermediaries between the citizens and the state, political parties have become instruments for the preservation of elite interests and the status quo.

Only in Brazil did the Workers' Party play a significant role in the aggregation and representation of disadvantaged groups, and their political inclusion. Yet the overall political system is designed so that it impedes any attempt at reform that could seriously threaten the interests of traditional elites.

Addressing the lack of confidence in political parties and political institutions is of paramount importance in ensuring the legitimacy of the existing political system and evolving democracy in the respective countries.

2.1.2 The media

The media has a crucial role to play in developing a meaningful democracy. Credible outlets enable citizens to access information they need to make informed decisions and to participate in society. In Brazil and Chile, the media sector in general has not proved particularly supportive of democracy during the transition period. On the contrary, while media outlets had played a major role in the struggle against the military regime in Chile, the policies implemented by the Concertación governments have led to a serious reduction in media diversity. Although there have been positive developments in Indonesia over the last decade, they remain very limited.

Brazil

Brazil had a history of censorship and government interference in the media long before the 1964 coup. The media in general, and broadcasting in particular, had from the beginning been closely related to the state and the political elite.⁸⁴ National broadcasting policies have traditionally been closely aligned with political interests and state control. Broadcasting regulation has been under control of the ministry of Communication, with presidents using the distribution of radio and television licenses as a form of political patronage.

The role played by the mass media in the new democratic order did change somewhat, with a widening of public debate in the mediated public sphere and reporting of political issues displaying less bias.⁸⁵ Yet the continuities with the military dictatorship are particularly evident in the broadcasting system and press. The same companies, the same families, and the same editors ran the media before, during, and after dictatorship. Although significant changes occurred in the Brazilian media in line with the political transition in recent decades, these changes helped preserve rather than alter the larger media system.

Even the election of President Lula did not substantially alter the distribution of power in the media.⁸⁶ While the programme for the social communications sector presented by Lula in his 2006 re-election bid stressed the democratization of communications as necessary for the deepening of democracy, the President has been criticized for having done little to change the country's media landscape.

⁸² Rosser, 2004.

⁸³ Idem.

⁸⁴ Sparks, p. 16.

⁸⁵ Sparks, p. 17.

⁸⁶ Sparks, p. 20.

There are demands of civil society players for a diverse communication platform that can address the needs of the country's multiple identities. In March 2010, the National Cultural Conference defended further commitment to the regionalization of programmes and criticized the concentration of media groups.⁸⁷ Similarly, scholars have defended the strengthening of community media as a means for further democratization of social relations in Brazil.⁸⁸

Chile

Chile's struggle against dictatorship produced a wide range of independent media closely linked to grassroots social movements and employing participatory forms of production and distribution. These alternative media became important voices of dissent and their role expanded as mass opposition grew. When the first *Concertación* government took office in 1990, the public sphere was energized by an upsurge of new alternative and participatory media.

Radio has traditionally been Chile's most decentralized medium and the number of stations more than doubled between 1990 and 1996. This expansion of provincial stations had the potential to revitalize radio as a source of local news and a forum for local expression.⁸⁹ Similarly, there was an upsurge of grassroots video production as the transition got under way. It appeared that the development of such decentralized, participatory media might provide an important outlet for diverse voices and social demands.

Despite some advances, such as the Press Law passed in 2001, the government neither supported the existing independent media nor fostered the development of the emerging media. Instead, it opted for a market model responsive to the needs of transnational investors and consistent with its own political interest in curtailing or eliminating media that could serve as voices for human rights advocates or opponents of the neoliberal economic model.⁹⁰

Indonesia

Hundreds of new newspapers opened in Indonesia after the Suharto regime's downfall in 1998. The media have done well to help articulate people's interests, especially at the local level. They are increasingly using the various tools at their disposal to facilitate a two-way communication between local government and civil society. Presented with these opportunities, Indonesian citizens have responded with overwhelming enthusiasm, as witnessed by the sustained popularity of interactive radio and television programmes, and the high number of readers' comments and questions regularly submitted to local print media.⁹¹

The media have also played an important role in highlighting malfeasance in public life – resulting in the ousting of corrupt officials – and raising public awareness of the need for reform. For example, the press has uncovered evidence of wrongdoing that led to the filing of charges against high officials.⁹² The Alliance of Independent Journalists in Indonesia has launched an 'anti-envelope' awareness campaign where journalists wear teeshirts or ribbons saying, "I don't take envelopes," alluding to the common practice of providing reporters envelopes of cash during press conferences. The news magazine, *Tempo*, provides a weekly analysis of the news in addition to original reporting on current affairs and appeals to readers as citizens. One of the country's most respected and best-selling publications, it is seen as a beacon of democracy and has influenced public opinion on issues of governance, human rights, and ethnic and religious conflict.⁹³

But such examples are limited, both in number and in the long-term change achieved. Their impact has been influenced by a variety of local factors – be it open-minded government officials, particularly determined journalists, or the existence of local media that are particularly public-interest oriented. Standards of professionalism in journalism also need dramatic improvement.

⁸⁷ Matos, p. 192.

⁸⁸ Matos, p. 191.

⁸⁹ Bresnahan, p. 51.

⁹⁰ Bresnahan, p. 61.

⁹¹ UNDP, 2009.

⁹² Coronel, p. 10.

⁹³ Coronel, p. 16.

Chile's experiences under authoritarian rule and the recent developments in Indonesia have underlined how media democratization can assist to deepen political democratization.

Development of decentralized, community-based, and participatory media in particular can play a significant role in enhancing citizens' participation.

2.2 The development of new democratic practices

Partly because of the perceived limits of citizen participation through political parties and traditional intermediaries, new democratic practices have developed. These initiatives aim to allow citizens to become more directly involved in the administration of all things public – particularly the design, implementation, and control over public policy. Citizens are thus enabled to express their preferences in a way that is not directly mediated by political parties and professional politicians, whose legitimacy is questioned.

Different because of the circumstances in which they took place and the time that has elapsed since the formal transition to a democratic system, the experiences of Brazil and Indonesia provide interesting examples of institutions and mechanisms that can help to reshape relationships between states and citizens in countries that were characterized by highly coercive and centralized forms of authority, domination of elites, regional and ethnic or sectarian diversity.

2.2.1 The reinvigoration of Brazil's participative democracy

The 1988 Constitution

In 1988 constitution was a first step towards increased citizen participation. The text incorporated social demands for inclusion in the political arena, thereby creating space to experience participatory democracy. Various devices were used to expand political rights – especially related to administrative decentralization – as well as incorporating citizen and civil society participation in the management of public policies. Referendum and plebiscite mechanisms were established for consultations on state divisions and legal matters, and a public initiative was created for drafting legislative proposals. While the constitution provided a framework for such enhanced participation, it needs to be translated into practice.

Participatory budgeting

The Workers' Party is noted for its introduction of participatory budgeting in the city of Porto Alegre (controlled by the PT) in 1989. It was one of a number of innovative reform programmes to overcome severe inequality in living standards among city residents.

Participatory budgeting in Porto Alegre happens annually. It starts with a series of neighbourhood, regional, and citywide assemblies, where residents and elected budget delegates identify spending priorities and vote on which priorities to implement. Porto Alegre spends about \$200 million per year on construction and services, an amount that is subject to participatory budgeting. Around 50,000 of Porto Alegre's 1.5 million residents now take part in the participatory budgeting process. The number of participants has grown annually since 1989. Porto Alegre's successes led to the programme's enrolment in virtually all PT-controlled districts.

National policy conferences

The major participatory experiment held in Brazil has been the national public policy conferences. They consist of participatory spaces designed to deliberate guidelines for the formulation of public policy at the federal level. Meetings are organized at the municipal, state, or regional levels. The aggregate results of those deliberations are then deliberated in a national conference.

National policy conferences have gradually become more inclusive, assembling more diverse and heterogeneous social groups, particularly representatives of civil society – from NGOs, social movements, labour unions, business associations, and other entities, professional or otherwise.

Conferences concentrating on the deliberation of policies related to minority groups have taken place since 2003. Participation has grown among women, Afro-Brazilians, indigenous people, the lesbian, gay, bisexual, and transgender (LGBT) community, people with disabilities, and youth, among others. In this way, national policy conferences can be seen as political processes inclusive of minority groups.⁹⁴ They have made it possible to represent the interests of minority groups in the Congress even when they are not being defended in traditional party platforms.

Despite successes, participatory governance faces many challenges. The consolidation of these experiences depend on overcoming numerous difficulties, such as an under-empowered civil society, excessively technical language in discussions, detachment of the legislative power, lack of information and motivation for participation, and insufficient structures to promote participation. It has, for instance, been noted that participation within these programmes has been largely taken up by existing political actors and groups.

2.2.2 Indonesian efforts to enhance citizens' representation and participation

The decentralization experiment

After the fall of the Suharto regime, Indonesia's diverse regions asked for more democracy and local control over their own affairs. These demands were more insistent from restive regions rich in natural resources such as Aceh and Riau, which raised fears that Indonesia might disintegrate under pressure from secessionist movements.⁹⁵ Decentralization was presented as the answer to this fear, and as a way to ensure enhanced participation of citizens in decision-making processes.

With the passage of Laws 22 and 25 on local autonomy and local finance in 1999, all municipal local-level services and health, education and culture, public work, agricultural development, communications, environment, land management, capital investment, labour, cooperatives, management, and manufacturing and trading activities were devolved to districts, cities, towns, and villages. The major functions that have remained with the central government are justice, defence, police, monetary policy, development planning, and finance. All other functions are reserved for local government. The provinces have only been given a minor, coordinating role. The programme was implemented at great speed and completed in less than two years.⁹⁶

Thanks to these laws, new opportunities emerged for a revised relationship between state and communities. They provided a new legal framework for the democratization of local-level politics and village institutions, by clearly stating that the basis for the new regulations on village government was "diversity, participation, genuine autonomy, democratization, and people's empowerment". The objective was to enhance political participation and strengthen home rule for local services, while trying to redress long-standing grievances of resource-rich provinces by giving them a greater access to resource revenues collected by the centre from the provinces.⁹⁷

When they first took stock of the experiment, some analysts considered that a real measure of local autonomy has emerged,⁹⁸ while others pointed to the limits of the experience.⁹⁹ In particular, they insist on the fact that it has been solely focused on enhancing local autonomy, with an almost complete neglect of bottom-up accountability issues. Several reasons have been highlighted for such failure. For example:

⁹⁴ Pogrebinschi, p. 9.

⁹⁵ IDEA, 2000.

⁹⁶ Shah and Thompson, 2004.

⁹⁷ Shah and Thompson, 2004.

⁹⁸ Antlov, 2003.

⁹⁹ Shah and Thompson, 2004.

- in the absence of tax decentralization, local governments have spent money raised by others. Government accountability to the people will remain incomplete until the politicians making decisions on expenditure also have to justify tax rates to the citizens;
- there has been confusion about expenditure assignment. The law is unclear on the responsibilities of local government, and those that can be shared with the central government. The result of such unclear demarcation of responsibilities has been weakened accountability, as people are unsure which level of government is responsible for what.

The Partnership for Governance Reform in Indonesia (PGRI, or Kemitraan)

Renegotiating the social contract can be achieved by procedural means – such as amending the constitution – but they do not guarantee that democracy will emerge from the transition. Alternative vehicles must therefore be considered. Based on the assumption that civil society organizations (CSOs) can play an essential role in pushing for and helping to bring about reform, the creation of a mechanism that would allow for communication and coordination between CSOs, government agencies, and international donors was considered at the end of 1999.

After consultations between UNDP, representatives of the new government, the parliament, representatives of the judiciary, civil society, and the private sector, the Partnership for Governance Reform in Indonesia (PGRI) was officially established in 2000. Its scope was to cover advocacy, dialogue and policy analysis; and the funding of reform initiatives by CSOs and government agencies. PGRI activities focused on anti-corruption, decentralization, civil service reform, legal and judicial reform, representation/electoral reform, and police reform.

A 2006 evaluation of its first five years concluded that PGRI had generally performed well and made a positive contribution to the reform process.¹⁰⁰ PGRI advocacy and dialogue activities have done much to raise awareness and improve understanding of reform issues. Its many projects have played a useful role in capacity building at national and local levels. PGRI's most significant contribution has arguably been the establishment of a network of reform-interested NGOs, which have kept up the pressure for reform 'from below' and can help to ensure that the reform process becomes irreversible.

One lesson from the PGRI initiative is that such institutions can be useful in the initial transition phase for donor coordination and as an intermediary between state and society. As a rule, international organizations can help legitimize domestic CSO efforts to engage the state, where state actors are often unwilling to partner with CSOs, as they see this as a challenge to their authority. But as donor support has reduced and the government representatives on the PGRI board are not as well connected as they once were in changing political circumstances, the PGRI has become more like any other domestic NGO.

While national but internationally-supported multi-stakeholder organizations such as the PGRI will continue to be needed, there is also a need to monitor and evaluate progress at all levels.

The new participatory mechanisms with which Brazil and Indonesia have experimented have had positive effects on the representation and participation of various groups in decision-making. But these institutions have often been gradually or partially taken up by existing groups. This has limited the scope of intended change. In Indonesia, most of these new institutions have been dependent on foreign donors, which constituted a serious obstacle to their sustainability.

2.3 Challenges and lessons learned for Myanmar, Tunisia and Egypt

In Myanmar, Tunisia, and Egypt, the issue of representation and participation does constitute a major challenge for the new governments if they are to be considered legitimate and be given the means to conduct successful reforms. Since the relationships

¹⁰⁰ UNDP, 2007.

between the citizens and the state and its institutions have long been characterized by coercion, distrust, and fear, one of the main challenges for the new governments is to give citizens a sense that they are part of the new polity, represented and welcomed to participate in the definition of the country's future.

Myanmar's the top-down reform process initiated by the new government will have better chances of success if a significant part of the population feels that the process might improve its living conditions and give it a say in decision-making processes. In Tunisia and Egypt, where incumbent leaders were toppled by popular revolts induced by the former's monopolization of power in a way that served their personal interests instead of those of the community, citizens need to feel that democracy makes a change in their lives, and that the transition is not to be a mere substitution of elites. Over a year and half into the transition in both countries, this is increasingly being questioned.

2.3.1 *A persistent lack of political inclusion*

Despite major differences, Myanmar has so far reproduced the overall pattern of elite-driven political and economic opening that characterized the transitions in Brazil and Chile. The transition has been imposed by the former military junta, which planned it as an exit strategy. Concluded between the elites, the agreement was not made public and therefore provides no legal guarantees that it will help to reshape the relationship between the state and society, and bring genuine democracy. Critics argue that it aims to satisfy the interests of organized groups (the main opposition party – Daw Aung San Suu Kyi's National League for Democracy – armed ethnic groups, business people and foreign powers) rather than the interests of the people as a whole. They underline the lack of formal engagement with grassroots groups, such as farmers contesting land-grabbing, labour activists, peace movements, or student unions.¹⁰¹

The nature of Myanmar's civil society could prove a serious impediment if it is to play a significant role in negotiating a new social contract. While there are many NGOs in the country, few are legally constituted. The extent to which issue-based or rights-based groups may influence state policy depends on their legal status. This puts them at the mercy of the state, in a context where there is no culture of negotiation and cooperation, and where there are no formal or institutionalized channels for civil society to influence decision-making. In addition, NGOs severely lack trained personnel.

Although in the new political structure decision-making and power are more diffused, decision-making remains highly centralized. At the economic level, business activity still requires political approval and personal connections remain important.

Moreover, there has been no real reconciliation with minority nationalities¹⁰². It is argued that ethnic communities will strongly resist any development agenda based solely or even primarily on an elite Burmanese consensus.¹⁰³ In this context, the establishment of mechanisms for consultation and engagement of stakeholders is highly desirable, particularly if it is targeted at the grassroots and ethnic communities.

Although Egypt's transition was triggered by widespread social protest, the transition process itself was conducted by the Supreme Council of the Armed Forces (SCAF) with no form of institutionalized participation by the country's various social and political forces beyond elections. Since February 2011, the Supreme Council of the Armed Forces (SCAF) has left very little space for other revolutionary actors in the management of the transition. Despite occasional consultations with representatives of political parties and revolutionary groups, discussions remained informal and were organized on an *ad hoc* basis. No formal mechanism for consultation and participation of the various political and social forces was institutionalized between February 2011 and the presidential election in June 2012. Until mid-2012, most decisions made by the ruling SCAF were unilaterally taken. In such circumstances, street protests had come to be seen by most revolutionary groups as the most efficient way to voice their demands and criticism. Now that a new president has been elected and that the military has stepped back from direct exercise of political power, it remains to be seen how political and social forces, as well

¹⁰¹ Myat Ko, Yangon School of Political Science, conference presentation, Oslo, 9 November 2012.

¹⁰² Clapp and DiMaggio, 2012.

¹⁰³ Currie, 2012.

as ordinary citizens, will be associated to decision-making, both at the central and local level. Many issues related to governance of diversity (notably sectarian, gender, and regional) pose serious challenges to the definition of a new social pact. The way the new constitution was drafted by an Islamist-dominated committee from which most representatives of the non-Islamist parties, unions, media, and religious institutions had decided to withdraw, is a worrying precedent.

The persistent weakness of political parties is therefore a major source for concern. Despite the registration of dozens of new organizations since February 2011, none has proven capable of positioning itself as a credible and efficient instrument for channelling demands and representing citizens in the new political arena. At least in part, this has been a consequence of the organization of early electoral consultations (the first constitutional referendum taking place in March 2011, and the first parliamentary elections in December 2011). That left little time for new parties to be created, to get organized, and to campaign. Yet the weakness of political parties is also a consequence of the continuing disconnection between political elites and ordinary citizens. Only the Freedom and Justice Party (the Muslim Brotherhood) and the Nur ('Light') Party (Salafist) – which have relied on influential pre-existing networks using charity and religious identity – have distinguished themselves, notably by securing approximately 70 percent of the seats in the People's Assembly. Efforts have recently been made to create a credible political movement that would be able to compete with the Islamists, but without success to date.¹⁰⁴ Similarly, despite advances, proper representation of the workers has still not been achieved. There has been no attempt to establish genuine channels of communication between political parties and trade unions, whose demands are therefore not voiced in the institutionalized political system.¹⁰⁵

Only in Tunisia were the early phases of the transition process relatively inclusive, with most political and social forces being formally represented in the transition institutions. The National Council for Protection of the Revolution – made up of the trade union UGTT, the lawyers syndicate, and several opposition parties – played a crucial role in securing the participation of civil society in the decision-making process, exerting heavy pressure on the first interim governments. The national unity government formed in January 2011 had to accept the election of a Constituent Assembly and the creation of the High Instance for the Fulfilment of the Revolution's Objectives, which was to function as a mini-parliament. Despite some drawbacks, this original institutional formula allowed for the inclusion of most social and political forces in the transition process and contributed to the representativeness of the transitional authorities.

In the subsequent stages of the transition, a constituent assembly was elected and a transitional government formed. This brought issues such as the gap between party elites and ordinary citizens or regional integration and development to the fore and highlighted the need for new mechanisms for inclusion and participation. As in Egypt, political parties have proliferated since January 2011, but the deep fragmentation and the elitist character of the non-Islamist political sphere have severely impeded the emergence of a strong and credible alternative to Islamist Ennahda.

With the resumption of institutional politics, the role of civil society depends largely on political will. Activists argue that before the elections the state was open to and partnered with civil society in various fields and activities, but that such collaboration has since declined and CSOs find themselves in the role of monitoring the government's decisions and opposing the construction of a hegemonic state – for instance, issues that touched upon public liberties or media freedom.¹⁰⁶

In Tunisia as in Egypt, a major gap remains in the political representation and inclusion of significant parts of the citizenry, with many citizens complaining that politics has remained a game between elites that are out of touch with ordinary people. Beyond the need to strengthen traditional intermediary institutions, such as political parties and unions, restoring the link between the state and citizens in Myanmar, Tunisia and Egypt would require mechanisms for participation in decision-making at the local level, and the inclusion of marginalized communities.

2.3.2 *A potential role for the media*

¹⁰⁴ See for instance "Getting it together", in *Al-Ahram Weekly*, n°1113, 6-12 September 2012, <http://weekly.ahram.org.eg/2012/1113/fr1.htm>.

¹⁰⁵ Abdallah, 2011.

¹⁰⁶ Amine Ghali, Director of the Al Kawakibi Democracy Transition Center, conference presentation, Oslo, 9 November 2012.

In Myanmar, freedom of expression, association, and assembly has widened markedly in both scope and practice. Consequently, it has become easier for the population to be heard by decision-makers. On 20 August 2012, the government announced that it would no longer censor private publications¹⁰⁷. Other steps need to follow to create the enabling environment that will allow the media to play its role as a channel for participation.

One of the most controlled and censored in the Arab world before the revolution, the Tunisian media has undergone dramatic change since January 2011. Media outlets are now diverse in output and do not have to echo the state line. The legal framework and state institutions governing the sector are being reformed.

Despite these positive developments, the media remains open to manipulation, intimidation, and bias. If the state-owned press and the media owned by the former ruling party and the Ben Ali family were restructured, the process has been incomplete, because some prominent figures close to the former regime are still controlling the decision-making process in some state-run media.¹⁰⁸ Competing political groups – mostly Islamist Ennahda and the secular elite – have also started using media outlets as a tool in their political and ideological battles. Journalists still operate without appropriate resources and training, and under questionable professional standards.

In view of the pre-transition Chile and post-transition Indonesia experiences, one positive development is the evolution of the public broadcasting scene. It is now made up of two television channels and nine radio stations, of which four are national and five regional (Sfax, Monastir, Gafsa, Le Kef, and Tataouine). This stands in contrast with the pre-revolutionary period during which outlets were centralized in the capital. **It could constitute a step towards increasingly decentralized and participative outlets through which citizens can voice their views and learn more about what is happening in their immediate environment.**

In Egypt, the coverage of the Maspero events in November 2011 shed stark light on the media's influence – be it positive or negative – in terms of social cohesion. While Coptic demonstrators and their Muslim supporters were being mowed down by live ammunition, and as military tanks ran amok amongst the crowd, state television was reporting that the army had come under attack by armed Coptic demonstrators. It subsequently appealed to 'the people' to come out and 'protect' the armed forces from their supposed assailants. At the same time, armed gangs from the Bulaq neighbourhood were given their marching orders. It was then widely argued that the massacre was the first 'operation' that state media and its private satellite channel partners were called upon to help orchestrate, justify, and to the extent possible, cover up.¹⁰⁹

Such events have demonstrated that while pluralism has increased since the revolution, the professionalism of media institutions has suffered. There is currently a vacuum in terms of regulation, and an urgent need to develop mechanisms that hold the media accountable.¹¹⁰ 'Red lines' have partly remained, in particular concerning criticism of the ruling military council or the new president. The Muslim Brotherhood has recently been accused of trying to control the media as former President Mubarak had, taking a series of actions that have allowed the group to gain influence over media policy, including taking a private TV network off air and confiscating the print-run of a newspaper.¹¹¹

Experts also argue that the December 2012 constitution illustrates the new government's intent to restrict freedom of expression. Article 48 limits press freedom, which is guaranteed as long as it respects the basic principles of the state of society and the requirements of

¹⁰⁷ See www.aljazeera.com/news/asia-pacific/2012/08/20128209322933398.html or

www.nytimes.com/2012/08/21/world/asia/myanmar-abolishes-censorship-of-private-publications.html.

¹⁰⁸ CEIP, p. 10.

¹⁰⁹ See www.jadaliyya.com/pages/index/2882/the-maspero-massacre-the-military-the-media-and-th; www.egyptindependent.com/news/state-media-coverage-maspero-violence-raises-tempers.

¹¹⁰ Chatham House, 2011.

¹¹¹ See www.bbc.co.uk/news/world-middle-east-19245300.

national security. The new charter also allows for the closure or confiscation of media outlets by judicial order and permits censorship of the press in wartime or when the armed forces have been mobilized.¹¹²

Given the Chilean and Indonesian experiences previously mentioned, and the grassroots 'bottom-up' approach to politics that many Egyptians are trying to encourage, the media need to reorient themselves to ensure that they are more relevant and closer to the people they are supposed to be serving. Interesting initiatives have already been undertaken in that direction, the development of citizen journalism at the local level being a good example.¹¹³

As a rule, in Myanmar, Tunisia, and Egypt, the development of professional, decentralized, participative outlets involving local communities might have positive role to play in the re-creation of social cohesion, and help to enhance the political inclusion of citizens and communities.

Section 3: Security institutions and democratic rule

This part focuses on the military as an institution whose role was central in former authoritarian regimes and is crucial for the future of democratic transition and consolidation. The will and capacity of newly elected governments to exercise control over the military and deal with any crimes it committed under the dictatorship are seen to determine the credibility and legitimacy of their evolving democratic systems.

The first section analyses the evolution of civil-military relations throughout the transition period, underlining features common between Brazil, Chile, and Indonesia. In particular, it shows how the negotiated nature of transitions have made it possible for the military to extend some of its privileges and informal powers into the new political system, and what impact this has had on the overall implementation of reforms (3.1.).

The second section focuses on the way that transitional justice has been pursued in the three countries. It shows that exit guarantees granted to the military at the time of the transition have often severely constrained the search for justice and accountability (3.2.).

The final section analyses the ongoing redefinition of power relations between civilians and the military in Myanmar and Egypt, in light of previous transition experiences. It also offers an overview of how the issue of transitional justice has been addressed to date, highlighting factors that impede significant progress (3.3.).

3.1 Changing civil-military relations: a long-term struggle

In Brazil (1964-1985) and Chile (1973-1990), the military seized power by coups and exercised direct rule for almost two decades. In Indonesia, the military was entrusted with political and social roles that effectively made it the basis of Suharto's New Order (1966-1998). In all three countries, the military was the institution that effectively held power. It dominated other formal political institutions and often played a central role in the economy. The eventual transfer of power to elected governments did not automatically translate into the return of the military to its barracks and its submission to civilian rule. On the contrary, the very nature of the transitions in the three countries – which were largely the result of agreements between elites – had guaranteed the military the preservation of institutional prerogatives and areas of autonomy that have proved difficult for civilians to reverse.

Brazil

It is widely assumed that a decade after the formal transfer of power to civilians in Brazil, military authorities continued to exert considerable influence over politics – even if not directly – and continued to behave autonomously vis-à-vis the government. The way

¹¹² For more details, see <http://middleeastvoices.voanews.com/2012/12/insight-egypts-new-constitution-entrenched-despotism-59831/>.

¹¹³ See for instance <http://sa7afa.org/>.

the transition was negotiated between elites in 1985 proved crucial. Uncertain of its power in relation to both the military and other political forces, the government wished the military to be part of its political alliance and was therefore ready to compromise. The first elected governments were cautious not to take steps against the military. They did almost nothing to bring it under the control of elected institutions. This was illustrated by the military's continuing presence in government. For example, under both President Sarney (1985-1990) and President Collor (1990-1992), military officers on active service were still members of the cabinet.

As the military perceived the balance of power to be in its favour during and in the immediate aftermath of the transition, it was able to negotiate exit guarantees that allowed it to preserve its autonomy as well as a number of prerogatives. The 1988 Constitution left the military apparatus almost intact. Only in 1999 was a Ministry of Defence created and entrusted to a civilian. To date, the military still enjoys a privileged jurisdiction even for common crimes, and the National Security Law (a legal ramification of the National Security Doctrine, the 'ideological bible' of the military regime of 1964) still regulates political crimes.

A major factor in the continuing influence of the armed forces in civilian life has also been a lack of separation between the military's internal and external roles. While article 142 of the Constitution confers on the armed forces responsibility for guaranteeing law and order, observers have argued that there has been increasing militarization of the civil public space. The rise of criminality as a result of the social crisis was treated as a military problem rather than a social problem, which contributed to strengthening the military presence in the political arena. The armed forces also emerged from the authoritarian regime without being perceived as so wildly violent or corrupt as in other countries. To date, the military benefits from the perception that it is less corrupt than the police, which has helped to reinforce its influence.

Chile


In Chile, the relationship between civilians and the military has evolved over time, as three periods/issues have significantly influenced it. A crucial aspect of the Chilean transition is that it was anticipated and planned by President Pinochet, who realized that international recognition was key to the regime's legitimacy. The military agreed to negotiate a transition to civilian government, but managed to control the terms of negotiation. So when the Aylwin government came into office in 1990, the military's exit from direct exercise of power had been prepared in advance. The 1980 Constitution had established a mechanism for succession that would ensure the continuity in power of the military leaders and the army's Commander-in-Chief until 1997, as well as that of the judiciary. In addition, the Organic Law of the Armed Forces maintained the budgetary autonomy of the armed forces.

The prerogatives and areas of autonomy that the military had secured before the transition through institutionalization in the constitution proved difficult for the new government to amend. Because they commanded much less power than the military, the civilian forces were left with little room for manoeuvre and could not challenge this situation. The democratic government was able to displace Pinochet from the presidency in 1989, but only at the cost of reducing its future scope of action.

Another important aspect that framed the Chilean transition was the fact that Pinochet continued as the army's Commander-in-Chief during the prolonged transitory period (until 1998) and as self-appointed senator for life until 2000. This constituted a serious impediment to any attempt by successive civilian governments to challenge the military.

The constitutional reforms of 2005 eventually erased the most problematic aspects of military autonomy by:

- removing the military's right to protect 'institutional order';
- granting the President the right to fire commanders-in-chief;
- ending military control over the National Security Council; and
- suppressing the appointed senators (which included retired commanders in chief from each branch).



The whole process of transformation of civil-military relations has been lengthy and required coordination between the government and the armed forces. A significant education effort has also been undertaken within the army, so that members of all ranks understand and act according to the norms of a democratic system.

Indonesia

Indonesia's military has lost much of its formal political influence since the departure of Suharto. It has, though, successfully maintained its autonomy from institutional control and exploited the fragmentation of civilian politics to gain political concessions. Several phases can be identified.

During the Habibie presidency (1998-1999), important steps were taken early in the transition phase to depoliticize the armed forces. Between July and November 1998, several reforms were implemented that helped to remove the military from active politics. Most importantly, active military officers were excluded from government, and the armed forces' legislative representation was gradually reduced (down from 75 to 38 delegates in national parliament and to 10 percent of the seats in local legislatures).

The fact that the transfer of power from Suharto to his deputy Habibie was facilitated by military officers close to army commander General Wiranto created a relation of mutual dependence between the armed forces and President Habibie. These compromises gave the armed forces the power to define the areas of reform. As a result, the areas seen by the military as most crucial to their interests were excluded. The territorial command structure, in particular, was left untouched and allowed the armed forces to remain largely independent from central government funding and civilian control institutions. Moreover, the new decentralization scheme offered the military increased opportunities to access the budgets of local governments at the district level. At the same time, because of growing tensions between civilian elites, the armed forces were increasingly lobbied for their political support and thus managed to gain informal influence in the political game.

When he assumed power, President Wahid (1999-2001) appeared determined to initiate a radical process of military reform and enforce civilian supremacy over the political realm. There was a belief that the civilian elite was strong enough to push through wide-ranging reforms. This was illustrated by the initiation of debates on the future of the territorial command structure. But conflict quickly arose between the presidency and the legislature. Wahid started to lose support from the members of his coalition, so he tried to secure political backing from the armed forces. The concessions he made brought military reform to an almost complete standstill. Reform nevertheless continued at the institutional level. In 2000, the role of the military was defined as exclusively focused on defence.

Between 2001 and 2004, President Megawati, who was anxious to secure military support in case the political elite deserted her, expanded her concessions to include greater institutional autonomy and increased influence on security affairs. Three parallel developments also came as serious obstacles to military reform: the loss of East Timor in 1999, the outbreak of communal violence between 1999 and 2001, and the expansion of separatist movements in Aceh and Papua (which had started during Wahid's rule). Political instability and insecurity therefore resulted in renewed prioritization of territorial integrity and repressive methods of conflict resolution. The military came to be seen as indispensable to the maintenance of law and order.

During this period, the popularity of the armed forces within the civilian elite and the wider public increased. That was reflected in the military's successes in the 2002 and 2004 gubernatorial elections. In 2004, the first direct presidential election resulted in the victory of former general Yudhoyono.

The leader of the 'gradual' military reformers, Yudhoyono (2004-) had not been expected to initiate wide-ranging reforms. However, he focused his efforts on 'excluding the spoilers' within the military establishment, by sidelining the most conservative officers. And he was, in turn, able to secure the military's compliance with the government's peace plan for Aceh in 2005.

This was made possible by a decision to compensate the armed forces for its potential loss of income in Aceh's lucrative conflict economy. 526 billion rupiah were allocated for the military to finance its partial withdrawal from the province. The payment was a major disincentive for officers to prolong the war, convincing them that the peace deal was not only politically viable, but also economically advantageous for them.

No further institutionalization of military reform was possible, however. In particular, firm subordination of the armed forces to the Ministry of Defence could not be achieved and no reform of the military's financing system could be established (notably through better control over its economic enterprises).

Several features of military involvement in politics and society continue to obstruct more substantial reform measures. The persistence of the territorial command structure is considered one of the most important. This system has allowed military self-financing to remain operational. The armed forces have continued to raise large parts of their effective expenditure through the territorial network, enabling them to maintain significant autonomy from the state.

In all three countries, the negotiated nature of regime change made it possible for the military to extend some of its privileges and informal powers into the new political system in exchange for its withdrawal (exit guarantees).

There has been an obvious link between the state of civilian politics and the extent of military intervention in political affairs. Deep fragmentation of civilian politics has allowed the military's influence to be deepened.

Political instability and insecurity (Brazil, Indonesia) have proved decisive in the continued influence of the military over politics.

Changes in the balance of power between civilian forces and the military have allowed for a gradual reduction of the military's role in politics and reinforcement of civilian authority.

3.2 Transitional justice: a conflict of accountability and stability

It has been argued that transitional justice can contribute to democratic change by allying reform processes with just responses to past abuses, and that it can therefore be a basis for domestic reconciliation.¹¹⁴ Yet transitional justice has often conflicted with compromises deemed necessary for stabilizing the transition and consolidating democratic change. Because of the negotiated character of transitions, the search for transitional justice in Brazil, Chile, and Indonesia has been severely limited by the compromises reached between elites at the time of the transition, as well as by fear of retaliation from the same outgoing elite whose policies were to be scrutinized.

Brazil

In Brazil, the process of transitional justice was centred on forgiveness rather than reconciliation. Amnesty was the official mechanism of transitional justice adopted at the end of the military rule.¹¹⁵ In 1979, negotiations led to Parliament adopting a federal law conceding amnesty to all individuals who had committed political crimes between September 1961 and August 1979. Today, the government continues to cite the Amnesty law as justification for not prosecuting those allegedly responsible for human rights' abuses during the dictatorship. The constitutionality of the Amnesty law was submitted in April 2010 to the Supreme Court for judicial scrutiny. The court subsequently decided that it did not violate the constitutional text.

¹¹⁴ Leebaw, 2005.

¹¹⁵ Drumond Coelho, 2011.

The most significant effort for accountability came from civil society, with the crucial involvement of the Catholic Church, and occurred during the military dictatorship, from 1979 to 1982 (the *Brazil: Nunca Mais* project).¹¹⁶ In contrast, the government has consistently refused to disclose information about violations.

In 1995, the government took on the issue of gross violations committed during the dictatorship. Law no. 9140 officially recognized that the deaths of those that disappeared was a consequence of their political activities during the dictatorship, assigned responsibility for those deaths to the state, and granted compensation to the victims' families. The engagement focused on financial payments to victims, a mechanism that has nourished an environment of silence.

Experts consider that reconciliation in Brazil is not a subject for public concern, and that Brazilians are content with an approach that has emphasized forgetting and page-turning without accountability.¹¹⁷ They notably attribute this situation to the relatively few victims of the mass atrocities committed under the military dictatorship (compared to other countries in the region), as well as to the surge in crime that accompanied the transition.

An interesting recent development was the Inter-American Court ruling in 2010, which invalidated Brazil's Amnesty law.¹¹⁸ Together with the election to the presidency of Dilma Rousseff – a former guerrilla imprisoned and jailed during the dictatorship – this suggests that change might be on the way in Brazil's approach to accountability.

Chile

Chile opted for a restorative and reparative strategy focusing rhetorically on the need for truth and reconciliation. No systematic, punitive justice was to be sought.

In 1989, Aylwin's electoral platform centred on truth, justice, addressing political prisoners, and reparations.¹¹⁹ In part responding to public pressure, the government created a truth commission – the Rettig Commission – to document human rights abuses that had resulted in death or disappearance only a month after Aylwin assumed power. Composed of representatives from both Pinochet supporters and opponents, it was officially given four primary tasks¹²⁰:

- to establish as complete a picture as possible of human rights violations under the Pinochet regime;
- to gather evidence to allow for victims to be identified;
- to recommend reparations; and
- to recommend legal and administrative measures to prevent a repetition of past abuses.

The Rettig Commission submitted its final report to the government. Aylwin then made an impassioned nationally televised address introducing the report and apologizing on behalf of society to victims. The report called on the state and all of society to acknowledge and accept responsibility for past crimes and offer moral and material reparations meant to restore the dignity of victims. The Reparations Law enacted under the Aylwin government benefited around 7,000 people (only the relatives of disappeared).¹²¹ But seeking wider institutional and constitutional reforms happened to be more difficult.

¹¹⁶ Cavallaro and Delgado.

¹¹⁷ Drumond Coelho, 2011.

¹¹⁸ Cavallaro and Delgado, p. 4.

¹¹⁹ Quinn, 2001.

¹²⁰ See the text of Supreme Decree No. 335 creating the Commission on Truth and Reconciliation, pp. 24-27, available at www.usip.org/files/resources/collections/truth_commissions/Chilego-Report/Chilego-Report.pdf.

¹²¹ Ernudd, p. 18.

Because Pinochet retained significant support and because the government feared possible unrest in the country (similar to what had happened in Argentina in the 1980s), it upheld the 1978 Pinochet regime amnesty law, which restricted prosecution for prior crimes. This made actual indictment of Pinochet impossible and legal accountability in general difficult. It also reflected the *Concertación's* calculation that it did not possess the force to confront those responsible for gross human rights violations. Moreover, the government's ability to pursue justice was also tightly limited by the fact that Chilean courts were still largely dominated by the old regime.

An unexpected renaissance of post-transitional accountability occurred at the end of the 1990s. In 1999, a series of roundtables on human rights brought together the military, human right lawyers, academics, and religious leaders. In the same year, the courts handed down prison sentences to the former head of the secret police and to other military and police officers involved in the repression. In July 1999, the Supreme Court confirmed the indictment of high-ranking officers on the grounds that disappearances were not to be covered by the amnesty law.¹²² During this period, media coverage of human rights issues became more prominent and in 2000 it became an issue in the electoral campaign. In 2004, the National Commission on Political Imprisonment and Torture Report published its report, the Valech Report, whose objective was to address the issues beyond the scope of the first commission. The report detailed the results of a six-month investigation into abuses committed by the military regime between 1973 and 1990. The judiciary is now showing more interest and willingness to investigate past violations.

Such developments have shown that steps towards accountability and justice might come at a later stage in the transition process. In Chile, they might have been triggered by the arrest warrant issued in Spain against General Pinochet in 1998. But other determining factors have been highlighted, including:

- the strength of human rights' networks and the increased pressure for accountability from civil society. In particular, two groups of victims' relatives began to consider prospects for a direct legal assault against Pinochet in 1997. New criminal complaints were submitted in 1998;¹²³
- the political forces and authorities' will and ability to implement policies, because of a changing balance of forces in their favour; and
- the role played by the judiciary. The judicial reform implemented under the Frei presidency allowed for the replacement of a whole generation of Supreme Court judges, mostly Pinochet's appointees.¹²⁴

Indonesia

Indonesia has shown considerable reluctance to deal with the past. Almost no progress has been made in accountability and justice since the fall of Suharto, a situation that can be explained by the fact that an important part of the military leadership has remained in place after the transition.

Nothing seems to have been done to identify those within the security apparatus responsible for human rights' abuses, or to remove or prevent them from occupying positions of public authority. As a result, the military, police, and intelligence services continue to employ a significant number of personnel implicated in severe human rights' abuses.¹²⁵ This has been even more visible in the political sphere, where two vice-presidential nominees in the 2009 elections, Wiranto and Prabowo Subianto, were implicated in serious human rights' violations.¹²⁶

¹²² Ernudd, p. 22.

¹²³ Collins, pp. 2-3.

¹²⁴ Collins, p. 17.

¹²⁵ ICTJ and Kontras, p. 77.

¹²⁶ *Idem*, p. 78.

International pressure led to the establishment of specialized Human Rights Courts in 2000 to deal with gross violations of human rights committed in the lead-up to East Timor's independence.¹²⁷ Yet there have been few criminal prosecutions for security personnel implicated in severe human rights violations, and none of the senior officers indicted for violations in East Timor or for the 1984 massacre of Tanjung Priok have been convicted. This happened despite the 2008 Commission for Truth and Friendship report's confirmation that Indonesian security forces were responsible for gross violations of human rights in East Timor.

In 2004, the Indonesian Parliament passed the Law on a Truth and Reconciliation Commission, which provided for the establishment of a national truth commission with powers to receive complaints, investigate grave human rights violations, and make recommendations for compensation and/or rehabilitation for victims. But in 2006 the Constitutional Court struck down the law, ruling that an article that provided reparation for victims only after they agreed to an amnesty for the perpetrator was unconstitutional. To date, attempts to pass a new law and enact a national truth commission have stalled. Although a new law has been drafted and is scheduled for discussion in Parliament in 2011-2014, no progress has been made, with Parliament failing to prioritize debate of the draft in the 2012 legislative programme.

In May 2011, President Yudhoyono established a multi-agency team to devise "the best format to resolve grave human rights violations that occurred in the past". The team has so far visited victims of such violations in various parts of the country. However, it has been criticized by human rights organizations and victims' groups for failing to develop a concrete strategy to ensure truth, justice, and reparation for victims.

The compromises reached between elites at the time of the transition often comprised amnesty laws that guaranteed the military's impunity for crimes committed when they were in power (Brazil, Chile).

Civilian leaders have often found it difficult to reverse the exit guarantees that they had granted. If such exit guarantees have allowed for the military's formal withdrawal from the political scene, they also severely constrained the quest for justice and accountability.

The 'pacted' character of transitions has resulted in the continuing presence of military leaders in their positions after the transfer of formal power to civilians. From these positions, they have been able to impede attempts for truth and accountability (Brazil, Indonesia).

The experience of Chile in the 2000s has shown that change towards accountability and justice might come at a later stage in the transition process. Several factors can account for such developments: a change in the balance of forces between civilians and the military, the strength of civil society networks, but also in justice, both domestic (a judicial reform) and internationally (the Pinochet case).

3.3 Challenges and lessons for Myanmar, Tunisia and Egypt

3.3.1 Ensuring civilian control over the military

Myanmar

The constitution adopted in 2008 – key to Than Shwe's exit strategy – brought an unprecedented diffusion of power to Myanmar's political system. While all legislative, executive and judicial power previously lay in the hands of Than Shwe, there are now four key centres of power in Myanmar: the presidency, the military, the parliament, and the party.

Although the presidency of the Republic is theoretically the state's primary institution, the military's powers actually rival those of the president. They hold 25 percent of reserved legislative seats, which allows them to block changes to the Constitution. The military also has considerable executive authority, because it appoints one of the presidential/vice-presidential candidates, and the Commander-in-

¹²⁷ www.humanrights.asia/resources/journals-magazines/article2/0502/the-human-rights-courts-and-other-mechanisms-to-combat-impunity-in-indonesia.

Chief appoints serving military officers as ministers of Defence, Home Affairs, and Border Affairs. In addition, the Commander-in-Chief will have effective control of the National Defence and Security Council. The President's main source of influence over the military lies in his control of the national budget (and the Financial Commission that prepares it), including allocations to the military.

A key question that experts have asked is how these different power centres will interact with each other. The architects of the new constitutional system have been careful to ensure that no individual or power centre can become all-powerful. Myanmar therefore finds itself in a very sensitive stage of its transition process, where the evolution of the balance of forces between institutions will prove crucial. Having preserved a significant part of their formal power within the political system, the military remains a powerful actor, one that the semi-civilian government will have to work with.

Egypt

In Egypt, the situation evolved over time, from the coup led by the Free Officers in 1952 to the rule of President Mubarak, himself a soldier. Under his rule, the military remained a central institution. But an informal agreement was reached to organize the relationship between the presidency and the military. The latter agreed to submit to civilian power – to be 'the state's army' and not the reverse – as long as the top executive was occupied by a military person in civilian clothes. It accepted a role that was removed from politics, even though it had a say in foreign policy matters and economic issues that it believed could impact national security.

The military's political role returned as a foremost issue when the SCAF seized direct power after Mubarak was toppled. Initially, most Egyptians welcomed that. In the absence of a credible and organized opposition – and because some feared an Islamist takeover – the military's intervention in politics was seen as legitimate. But the legitimacy of its unchecked political role has been increasingly questioned, as it used excessive violence against demonstrators and as civil society activists began to document the extent of its economic privileges. In July 2012, a last-minute attempt of the SCAF to secure and institutionalize its political role beyond the transitional period through an addendum to the constitutional declaration provoked fierce reactions from most political forces.

The election to the presidency of the first civilian ever, Mohamed Morsi, and his subsequent initiatives to restore the control of elected institutions over the political process, have significantly altered the balance of power between civilians and the military. The new constitution adopted in December 2012 granted the armed forces greater autonomy and a more formal political role than they ever enjoyed under Mubarak. The text formally requires that the Minister of Defence is an army officer. The defence budget is not submitted to Parliament for even nominal approval, but will instead be approved by the National Defence Council, in which army officers have been granted a permanent majority. The National Defence Council effectively formalizes and institutionalizes the political role of the armed forces.

Tunisia

In contrast, the 1987 coup in Tunisia was not led by the military, which never exercised direct political rule. Under President Ben Ali, the army's role in the regime's maintenance was indeed very limited in comparison to that of the police, which made up the real backbone of the regime, together with the ruling party, the RCD. Even though the armed forces played a major role in the 2011 revolution by siding with the protesters, it withdrew from the political scene immediately thereafter, as soon as the formal transition process was initiated and the first transitional government formed. In the current context, the issue of civilian control over the military does not appear as relevant for the future of transition, since the elected institutions have not, as yet, been challenged by the armed forces.

3.3.2 Searching for truth, accountability and reconciliation

Myanmar

Reports of human rights' abuses by the military regime that ruled Myanmar from 1962 to 2010 include recruitment of child soldiers, forced displacement, detention of political prisoners, sexual violence, and extrajudicial killings, as well as severe violations of economic,

social, and cultural rights. Military campaigns in parts of eastern Myanmar have also reportedly resulted in crimes against humanity and war crimes.¹²⁸

The Constitution approved in 2009 provides amnesty for any crimes committed since 1988. After the 2010 elections, the military and the Union Solidarity and Development Party (USDP) – which has a history of carrying out attacks on civilians on behalf of the military – have held a majority in the upper house, the lower house, and all state and regional parliaments. The continuing political influence of the military, despite a formal transfer of power to civilians, and their control of major positions in the political system suggest that it may take some time until a significant change in civil-military relations is seen and the military allows a process of truth and accountability.

Egypt

When the bed-ridden, deposed former president Hosni Mubarak was wheeled into a Cairo courtroom in May 2012, the process of transitional justice in Egypt seemed to have achieved an important symbolic victory. After numerous court proceedings against former Mubarak advisors and confidants, the start of the trial appeared to fulfil a central demand of the uprising: that Mubarak and his cronies face justice for their past crimes.

In June 2012, Hosni Mubarak was sentenced to life imprisonment for failing to stop the killing of demonstrators during the protests that ultimately led to the downfall of his regime. But while Mubarak and his former Interior minister, Habib el-Adly, were convicted as accessories to murder, they and their co-defendants were acquitted of the more serious charges of having ordered the killings of nearly 1,000 protesters. Mubarak and his sons were further acquitted of corruption charges. The verdict brought tens of thousands of people to the streets to protest against the outcome of the trial.

The focus on the former President and the speed with which his trial was initiated raised troubling questions about the future scope and trajectory of transitional justice efforts. Transitional justice has so far been characterized by ad hoc decision-making and has suffered from a fundamental lack of transparency. In April 2011, a commission of inquiry into the 18-day uprising issued a report that documented the number of dead and injured protestors, named the police as responsible for most deaths, implied premeditation through their use of snipers, and implicated some members of the then ruling National Democratic Party. But the commission was neither transparent nor participatory, and civil society's calls for open inquiries into other events (including the Maspéro massacre) have been ignored by the SCAF, which has organized internal investigations.¹²⁹ In the absence of a broader transitional justice process, trials have so far been principally aimed at punishment.

Tunisia

One of the interim government's first decisions in January 2011 was to establish three commissions: on constitutional reform; on corruption; and to investigate violations that occurred during the uprising. It also announced that it would seek the extradition of Ben Ali along with members of his family, many of whom were accused of corruption. Several high-ranking officials allegedly responsible for human rights' abuses during and before the protests are already in custody awaiting trial.

In April 2012, Tunisia's top three political figures, Mustafa bin Jaafar, Speaker of the Constituent Assembly, Prime Minister Hamadi Jebali, and President Moncef Al-Marzouqi, announced a process of national dialogue on the treatment of those suspected of corruption under the former regime, with the creation of a Ministry for Human Rights and Transitional Justice. A technical committee in charge of the national dialogue was formed in June 2012 to implement this decision. It was tasked with organizing a multisectoral dialogue at the regional level, a national consultation on transitional justice, and preparing a draft law on transition justice that will be submitted to the

¹²⁸ See <http://ictj.org/our-work/regions-and-countries/burmamyanmar>.

¹²⁹ Barsalou, 2012.

Constituent Assembly.¹³⁰ The first meetings were organized in the summer of 2012, and gathered representatives of civil society, victims of the former regime and members of the technical committee.¹³¹ The process is still in its early stages.

Section 4: Policy support facilities and the role of the international community

Periods of transition have highlighted the lack of capacity of the state – both in terms of resources and skills – to address simultaneous needs for political and economic reform. This part is therefore devoted to an analysis of experiences of knowledge-based policy-making and policy support to new governments. It focuses on the mobilization of both domestic resources and international support.

The first section analyses the role of think-tanks in the early Chilean and Brazilian transitions, showing that while public policy centres played a crucial role in the design of reforms, they also tended to perpetuate the exclusionary exercise of political influence characteristic of bureaucratic-authoritarian regimes (4.1).

The second section is devoted to the more recent efforts in Indonesia and Brazil to promote public policy dialogues and support more inclusive modes of policy-making. It underlines the successes and limits of these experiences (4.2).

The final section discusses the importance of building efficient policy support institutions and mechanisms in countries currently undergoing transitions. It shows that the inclusion of grassroots actors in the deliberative process and autonomy from foreign funding might be determining factors for success (4.3).

4.1 The central role of experts in Chile's and Brazil's early transitions

Studies on democratic transitions in Latin America indicate no substantial change in the technocratic style of policy-making, which was one distinguishing component of bureaucratic-authoritarianism. Elected executives continued to monopolize economic management, relying on small groups of experts that formulated policies, without systematic consultation with political parties, the legislature, or organized groups.¹³² The re-emergence of technocracy – the exclusionary exercise of political influence on the basis of technical knowledge – was legitimized by the economic crisis. It was further emphasized during the mixed process of democratization and economic stabilization, which required technical teams that are able to design and set up constitutional and institutional reforms and structural adjustment reforms. The technocratic style of governance finds its roots in the central role traditionally entrusted to policy elites, at the expense of societal participation in government decisions.

Public policy centres have played a major role in the design and implementation of first-generation reforms in Latin America. Think-tanks started to be created following the expulsion of important scholars from the main universities by dictatorships and worked as intellectual shelters. The best-known examples include Brazilian CEBRAP, founded in 1969 by Fernando Henrique Cardoso, and Chilean CIEPLAN, which gathered those who would later become senior leaders of the ruling coalition of parties at the end of the 1980s. Those organizations not only promoted ideas forbidden before the return to democracy, but also established networks of NGOs, universities, and political parties that aimed to influence the public agenda.¹³³

During the last years of Pinochet's dictatorship, specialized professionals and scholars played the role of 'catalysts for consensus'. They set up effective research and consultancy centres, including the CIS consortium – made up of CED, SUR, ILET and the Technical

¹³⁰ See www.tap.info.tn/fr/fr/politique/300-politique/26928-dialogue-national-sur-la-justice-transitionnelle-objectifs-principaux-axes-et-echeancier.html.

¹³¹ See for instance www.kalima-tunisie.info/fr/News-Dialogue-sur-la-justice-transitionnelle-a-Sidi-Bouid-item-3315.html/.

¹³² Montecinos, 1993.

¹³³ Garcé and Una, p. 108.

Committee for Free Elections. It is generally argued that Chilean intellectuals and policy centres helped the newly formed political opposition forces to overcome their marked divisions, as well as to provide them with a strategic vision.¹³⁴

Brazil's Institute for Applied Economic Research (IPEA), created in 1964, is one example of those public policy centres conceived as a response to the Government's increasing demand for policy research. A federal public institute linked to the Strategic Affairs Secretariat of the Presidency, IPEA was tasked with "produc[ing], coordinat[ing] and disseminat[ing] knowledge to improve public policy and to contribute to Brazilian development planning".¹³⁵ While the bureaucracy had been unable to expand sufficiently to develop the necessary analytical base for decision makers – with civil servants lacking the skills, training, or adequate resources – it was to provide technical and institutional support to government for the formulation and reformulation of public policies and development programmes. Divided by departments dedicated to different studies and policies, IPEA is mainly staffed by experts and researchers whose task is to produce knowledge (regular publications, seminars) for use by governmental institutions. Knowledge production thus remains highly specialized and centralized.

In recent years, studies have shown that research centres have gone beyond their academic nature by introducing strong political and negotiation components and by playing not just a role of political critics or advisors, but also of state collaborators. That has given them a direct impact on policy implementation. Informal relations often provide initial linkages that are often institutionalized by political parties or social movements and then governments (not necessarily by the parliamentary groups). Presidents and their governments can be easily associated with one or two policy research institutions.¹³⁶ In Brazil, for instance, IPEA started to produce new knowledge on income inequality and poverty in the mid-nineties. The institute contributed to the design and evaluation of conditional cash transfer policies adopted by the federal government, notably the Bolsa Familia programme.

The first generations of think-tanks in Brazil and Chile supported elite policy-making. While they were often established as laboratories for academics linked to the opposition to elaborate alternative policies, many became establishment institutions closely tied to the state after the return to democracy. Their primary purpose was to provide information to the Government, through the production of policy papers and specialist studies. This helped to reinforce the exclusionary exercise of political influence characteristic of bureaucratic-authoritarian regimes.

4.2 Recent efforts to promote public policy dialogue (Indonesia, Brazil)

As efforts were made to go beyond ownership of development by the state, the role of non-state actors in reform has been explored gradually. This allowed for the incorporation of new actors into the public agenda. Political parties, local governments, and CSOs – in many cases, universities and think-tanks – were given an opportunity to participate in public decision-making. It was considered that research institutes and think-tanks could play a role in bringing evidence into public policy processes to foster inclusive participation and responsive institutions, and entailing networking between local communities, policy-makers, researchers, and the media. The underlying assumption was that such institutes were to function as agenda setters and as providers of public space for the voices of marginalized and vulnerable groups.¹³⁷

Indonesia

The politics of policy-making after the fall of the Suharto regime has gradually become more inclusive.

The Indonesian government and UNDP established the United Nations Support Facility for Indonesian Recovery (UNSFIR) in 2000 as a way to promote public discussion on the country's policy and institutional options. In the early phase of transition, the Government had

¹³⁴ Garcé and Una, p. 114.

¹³⁵ See www.ipea.gov.br/portal/index.php?option=com_content&view=frontpage&Itemid=61.

¹³⁶ Garcé and Una, p. 112.

¹³⁷ UNDP, OGC Discussion Paper n°24, September 2009, pp. 5-6.

to search for policy options and institutional innovations that would allow not only for economic recovery, but also for a more open, transparent, and decentralized policy-making process.

Designed to address seven major policy areas (agriculture, industry, external trade, foreign aid management, social welfare policy, the interaction between state and civil society, and regional disparities in the context of decentralization), UNSFIR was to produce studies and policy briefs, establish a network of institutions to engage in policy dialogue, and submit policy proposals to the government.¹³⁸

To facilitate this process of public discussion on policy alternatives and linkages between the state, the private sector, and civil society, the Indonesian Public Policy Network (JAJAKI) was created. It provided a platform for public policy dialogue between a diverse range of stakeholders, from leading universities and policy think-tanks to key government ministries and provincial administrations, media, private sector, and civil society groups.

Beyond the UNSFIR experience, there has been a practice in the post-Suharto era of the President forming task forces made up of high profile think-tank intellectuals/ academics, and sometimes activist NGOs or business people to deal with specific issues.

There have also been many examples of civil society coalitions organizing themselves around issues and of NGO involvement in the elaboration of laws.¹³⁹ As the number of trades unions and organizations representing peasant and indigenous communities or women increased dramatically, there has been an electoral incentive for political representatives to pursue policies that would gain them the support of these groups.

However, civil society input has often been patchy, based on personal relationships or bargaining over various issues.¹⁴⁰ The capacity of poor and disadvantaged groups to influence policy-making has generally remained weak in comparison to politico-bureaucrats, the major domestic conglomerates, or the international financial institutions.¹⁴¹ Moreover, most of these civil society inputs rely on donor funding (except business and some academics).

Brazil

Created soon after President Lula da Silva took office in January 2003, the Council for Economic and Social Development (CDES) was designed to provide civil society and the private sector with broader access to, and participation in, social development policy-making processes. It is an independent consultative body within the overall structure of government, whose work is coordinated by a secretariat reporting directly to the Office of the President.

In 2003, the creation of the CDES was considered one of the new government's most innovative measures. While corporatism has essentially defined state-society relations in Brazil, the CDES concept was presented by the PT during the 2002 electoral campaign as the basis for a new social contract, in which redistribution and participation would be priorities.

This institution initially consisted of 82 members, including the President of the Republic and 10 government representatives, representing the country's social class, sectoral, and geographical diversity. But the government decided that business should be better represented, since its role was crucial for the improvement of economic and investment conditions and the generation of support for public policy decisions. The CDES was entrusted with generating proposals on key reforms under consideration – such as tax, social security, and labour law reforms – and was seen as a tool for building consensus.¹⁴²

¹³⁸ UNDP, 2004.

¹³⁹ Rosser, pp. 14-23.

¹⁴⁰ Idem.

¹⁴¹ Rosser, p. 23.

¹⁴² Doctor, 2007.

Although this was a significant institutional innovation aimed at greater social participation in the policy formulation and implementation process, the council has also attracted criticism. The PT's original proposal was to create a social policy-oriented council. Earlier emphasis on social inclusion has shifted to economic policy areas and, more specifically, to stimulating economic development. A key problem of the CDES is that it has been almost entirely dependent on the executive, which defined not only its structure and membership, but also its agenda. The scope for autonomous action has therefore been extremely limited, and its public accountability is non-existent.

Another weakness lies in its heavy bias to the business sector. The asymmetry in the representation of civil society caused resentment among labour unions and social movements. The geographic distribution of its membership was also severely biased in favour of the more developed south and southeast regions, with 46 percent of the first batch of members originating from the state of Sao Paulo alone. The low representation from the north and northeast undermined claims that it was an inclusive organ focused on social and economic development throughout the country. The Congress has been jealous of its legislative prerogatives and has been unwilling to accommodate recommendations emanating from a body constituted by, and subordinate to, the executive. Finally, political elites – political parties or state governors – tended to ignore the council.

Despite successes, the models trialled in Indonesia and Brazil to promote more inclusive modes of policy-making have highlighted the resistance of traditional political actors to initiatives perceived as undermining their own prerogatives.

These experiences have also shown that successful inclusion of marginalized groups in the policy process ultimately depends on good relationships with power holders.

Donor funding has worked best when it has supported coordination between existing CSOs and had an intermediary role between them and government.

4.3 Challenges and lessons learned for Myanmar, Tunisia and Egypt

Myanmar

A recent ICG report argued that a major impediment to the economic reform process in Myanmar was a lack of expertise and technical capacity at all levels of both public and private sector.¹⁴³ Because of chronic under-investment in education and a deep brain drain, there is limited policy formulation capacity in the government, civil service, and the legislatures. The issue of policy support is therefore crucial. Faced with this situation, the Thein Sein government has taken a number of initiatives.

One step in identifying possible economic policy options was the creation in June 2011 of the Myanmar Development Resource Institute (MDRI), designed to serve as an independent source of policy analysis for the Government. Until then, a small unit composed of economists attached to the President's office, which consulted closely with the Government, was responsible for this task. The MDRI brought a change in scale. The main purpose of the new institution is to undertake policy research and help plan and implement programmes. It calls upon local and foreign professionals, businesspeople, academics, administrators, political parties, and national groups, as well as citizens who would like to express their views. As with the Brazilian CDES, the MDRI aims to foster greater participation in policy formulation and implementation, and is presented as a social policy-oriented council. It remains to be seen whether, like its Brazilian counterpart, it will rapidly shift focus to economic policy areas and prioritize business over social inclusion.

In May 2012, President Thein announced the formation of a National Economic and Social Advisory Council, which includes union-level and region-level ministers and prominent personalities from the private sector. It is intended that the council plays an important role in

¹⁴³ ICG, 27 July 2012, p. 7.

reaching a broad social consensus on contentious issues, especially those related to foreign aid and foreign investment. No clear description of the council's mandate or its membership is, as yet, available in the English language.¹⁴⁴

The Government has sponsored a series of workshops and conferences on a wide range of economic issues. The assessment shows that these events have been helpful in raising public awareness of the issues and moving towards a social consensus on how to approach them. Experts have, however, raised concerns that key decision-makers are spending too much time in these public discussions.¹⁴⁵

In their efforts to build independent capacity for research and analysis, presidential advisors have been seeking international assistance, and the international community has in turn shown interest in providing support. For example, in February 2012, the Asia Society was planning to marshal private resources in the United States of America and internationally to assist with the immediate task of developing a pool of international expertise to advise on policy and legislative best practices.¹⁴⁶ It argued at the time that a mechanism that could provide ready access to information on international experience and best practices should be a priority.

In the specific and sensitive context of Myanmar's transition, several recommendations have been addressed to international donors. Cautious choices should be made over the type of support to be provided. To ensure true country ownership of the reforms, the international community must empower non-state actors, and not vest all resources in the Government. It will be essential that donors engage multiple stakeholders – with a special interest for those from the communities that suffer from conflict and those facing discrimination – through participatory planning and implementation processes. It is argued that ethnic communities will strongly resist any development agenda based primarily on an elite Burman consensus. Moreover, economic development should not be viewed as a substitute for the resolution of political conflict.

Tunisia

Tunisia's Institute for Strategic Studies (ITES) was founded in 1993 to carry out policy-oriented research under the President's oversight. While it remains a well-established institution, it now coexists with new mechanisms and institutions for producing knowledge-based recommendations. Most political parties rely on advice from individual experts on specific issues, but no specific structure charged with producing analysis and recommendations for either political parties or the Government has been created to date.

The most visible institution since the revolution has been the Center for the Study of Islam and Democracy (CSID), headed by Radwan Masmoudi, an engineer by profession. Founded in Washington, D.C. in 1999 by a group of academics, professionals, and activists, the CSID is a non-profit organization that has been very active since 2001 in promoting compatibility between Islam and democracy. It has notably been supported by the National Endowment for Democracy (NED), with which it has co-organized a number of events in the 2000s. Radwan Masmoudi returned to Tunisia in 2010 with the declared intention of playing the role of a bridge between the United States of America and the Muslim world and helping strengthen and promote the values of freedom and democracy. The CSID is now considered as Ennahda party's think-tank. Its role to date, though, has been limited to the organization of conferences.¹⁴⁷

Egypt

Under Hosni Mubarak's presidency, several institutions played a policy support role. Since 2000 and under the influence of Gamal Mubarak, the ruling National Democratic Party (NDP) had increasingly played the role of the government's think-tank, through the party's prominent Policies Secretariat. Composed of many academics, businessmen, and technocrats, this Secretariat has had a significant role in elaborating public policies, particularly economic policies. It eventually disappeared after the revolution, when the NDP was dissolved.

¹⁴⁴ Rieffel, 2012.

¹⁴⁵ Rieffel, 2012.

¹⁴⁶ Clapp and DiMaggio, p. 6.

¹⁴⁷ Author's interview with a French researcher familiar with the institution, October 2012. For an example of conference organized by CISD, see www.gnet.tn/temps-fort/tunisie-rached-ghannouchi-livre-sa-conception-de-la-laicite/id-menu-325.html.

The most important and institutionalized policy support institution was the Information and Decision Support Center (IDSC), which acted as the Cabinet's think-tank. Although its direction has changed, the IDSC survived the 2011 revolution. Most of its staff has remained unchanged, as has its mission of supporting decision-makers with advice on best policy scenarios and analytical research on priority economic, social, and political issues. It also undertakes opinion polls. Composed mainly of high-level experts and analysts, the IDSC gathers and disseminates information to government centres and produces reports. Through the creation of a Governance Assessment Unit, the IDSC has also engaged in monitoring progress towards the achievement of a number of development programmes implemented throughout the country.¹⁴⁸ But despite the quality of its production and its staff, many observers argue that the institution suffers from a lack of engagement with communities at the grassroots level, which has limited its impact and relevance. As with similar institutions, it is also largely dependent on funding from international donors, such as UNDP and the Ford Foundation.

It is argued that the election of Mohamed Morsi as President has had an impact on the IDSC's activities.¹⁴⁹ While its staff have demonstrated their willingness to work with the new government – for example, through the implementation of awareness campaigns focused on the constitutional process – the Muslim Brotherhood-led cabinet seems to have limited trust in the institution, which has been perceived by some as a bastion of the former regime.

New groups have also been established with a view of playing a policy support role. One interesting initiative – even though it remains very limited in scope – has been the creation of the House of Wisdom, a CSO whose most prominent members have close links with the Muslim Brotherhood.¹⁵⁰ It was created by a professor of political science close to the party, who played a central role in drafting its Renaissance Project in 2005 – a document then intended as the party's governmental platform. In contrast to most public policy centres, the House of Wisdom claims strong links with communities at the local level. It also aims to advise and lobby government in the capital city, particularly through its most prominent members. It also plans to establish local offices at the regional level to help local authorities assess citizens' needs and determine policy priorities, and provide them with concrete ideas and policies. Again in contrast to most Egyptian CSOs, it relies on local funding – like charities, it can mobilize support from social and religiously conservative notables.¹⁵¹

The models for public policy support currently being implemented in Myanmar, Tunisia, and Egypt highlight that at least two issues with potential to inhibit the production of relevant knowledge-based recommendations. They are the limited inclusion of grassroots actors in the deliberation process, and dependency on foreign funds. Addressing these two concerns, however, can be difficult.

Section 5: Concluding remarks

This analysis of transitions in Brazil, Chile, and Indonesia offers useful comparisons for domestic and international actors involved in supporting the ongoing transitions in Myanmar, Egypt, and Tunisia. These conclusions allow themselves to be elaborated into recommendations based on further examination of the contexts.

- Agreements forged at the initial stages of a transition often impede the implementation of inclusive and comprehensive reforms at later stages. Priority given to economic growth, for example, can hinder the development of policy options that promote a more inclusive socio-economic development. This is exacerbated both by internal vested interests and international focus on neo-liberal economic policy, which has been criticised for reinforcing structural inequalities.

¹⁴⁸ Sahar El Tawila, Director of the Social Contract Center at the IDSC, Egypt. Conference presentation, Oslo, 8 November 2012.

¹⁴⁹ Author's interview with an Egyptian researcher familiar with the institution, October 2012.

¹⁵⁰ See their Facebook page at <https://www.facebook.com/HOW.Foundation>.

¹⁵¹ Author's interview with a young Egyptian researcher familiar with the organization, August 2012.

- In times of transition, management of the citizens' expectations is a major challenge. If attention is not initially paid to addressing social inequalities and strengthening the role of the state as the guarantor of social justice, it is likely that both the legitimacy of democratic institutions and social cohesion will suffer. Ultimately, that can affect stability, endanger peace, and undermine democratic transition.
- The role of the military in democratic transitions should not be neglected. All too often, a transition's success will depend on the evolution of civilian-military relations. While the military is expected to allow for the transfer of power to elected governments, the preservation of areas of autonomy by the military may ultimately constitute a severe violation of democratic rules. Analysis of the role of the military, as well as initial and ongoing dialogue with (and between) military actors, should be a focus of support to transitions.
- The rule of law is generally undermined in authoritarian government. Re-establishing knowledge of, access to, and implementation of a legal framework that reflects international standards and guidelines, including pursuance of transitional justice, is an essential part of healing rifts in society and of the move towards a culture of equal rights. This is often damaged when some elites are seen to remain exempt from accountability for their alleged crimes.
- Forging democratic state institutions requires support, in terms of capacities and development of new responsibilities. Ensuring that transition becomes an inclusive process that builds state and civil society interaction is essential for the creation of a culture of participation in policy development.

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