INTERNATIONAL FORUM

Pathways to Democratic Transitions

Summary Report on Country Experiences, Lessons Learned and the Road Ahead

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This report is a condensed version of the discussions of the International Forum.

For a full-fledged verbatim report, please see www.cairotransitionsforum.info.

The Long verbatim report is also available on UNDP intra sites:
Arab States Governance Group
Egypt Transformational Changes - UNDP's Role
Arab States Tidal Wave - Quest for Change
International forum on pathways to democratic transitions
Arab States Knowledge Souq سوق المعرفةالعربي

OUTLINE

FOREWORD BY THE REGIONAL DIRECTOR, UNDP REGIONAL BUREAU FOR ARAB STATES

The Arab region is experiencing a moment of profound transformation. Women and men across the region have issued a resounding call for change. Youth have voiced their aspirations for a say in the decisions that affect their lives. People of all walks of life have come together to demand full and free participation in the decisions that will affect the future trajectory of their countries and societies. And for the first time in the region, several countries have taken significant steps along their own paths to democratic governance.

As they take these steps the Arab countries may recognize the footprints of other societies that have embarked upon similar journeys. Over recent decades countries in all regions of the world have dealt with similar challenges and embraced similar opportunities within the contexts of their own transitions towards more inclusive and accountable political and economic systems. Though each of these processes has been unique, each also brings with it powerful lessons on the complex nature of transition, reform and transformation which can be of enormous benefit to stakeholders across the Arab region.

In June 2011 UNDP and the Government of Egypt convened government and civil society stakeholders from the Arab region to exchange experiences with leaders from around the developing world who have faced first-hand the challenges of transition or reform which the Arab countries are grappling with at this very moment.

Entitled the *International Forum on Pathways of Democratic Transitions: International Experiences, Lessons Learnt and the Road Ahead,* the 2-day forum allowed representatives from Egypt, Jordan, Morocco and Tunisia to learn about the critical decisions and challenges faced by leaders of the democratization processes of such diverse countries as Argentina, Brazil, Chile, Indonesia, Mexico and South Africa.

This wealth of experience was deployed to consider such questions as the role of political parties and social movements in transitions, mechanisms for safeguarding human rights and deepening justice in times of change, and the link between reforms in the governance arena and the importance of ensuring equitable distribution of the benefits of economic growth.

Participants from the Arab countries included not only public officials but also civil society, academics and analysts, and the media. Students from two Egyptian universities were connected by a live stream to the event. Over 600 people participated altogether, and they were joined by over 2.5 million

people following on social media, and millions more who tuned in to regional and local television networks to watch portions of the event.

For UNDP convening this Forum is part of our long-standing commitment to supporting countries around the world as they pursue human development in its fullest sense. It also represents our commitment to South-South cooperation, or ensuring that stakeholders in the countries in which we work have maximum access to the vast stock of lessons, experiences and ideas that is available across the developing world. Democratization can neither be imported nor exported, but nationally-driven processes do stand to benefit from knowledge of the experiences of reformers in other countries around the world.

During the Forum we were reminded that transformations do not occur overnight, and that they can be fraught with challenges and risks at every turn. UNDP is committed to supporting the Arab countries as they undertake this process. To this end we will continue to hold such events across the Arab region on specialized topics in relation to transition and reform, and we will continue to support the production and dissemination of specialized knowledge in the Arabic language. The challenges facing the Arab countries at this juncture are vast, but vaster still are the opportunities.

In closing, I would like to thank the stakeholders from Arab countries who came to share their perspectives on their current dynamics, as well as the leaders who travelled from all points in the globe to share their views on the transitions they have led in their respective countries. I would also like to thank his Excellency Dr. Essam Sharaf, Prime Minister of Egypt, under whose auspices the Forum was implemented.

Yours sincerely,

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Arab communities are experiencing unforeseen and volatile changes resulting from the severe political, economic and social repression that has prevailed for the past decades. The first spark of revolution was in Tunisia soon extended to Egypt, then Yemen, Libya, and recently Syria. Waves of social-political protests have also burst in Iraq, Morocco, Algeria, Mauritania, Bahrain and other states. The demands most apparent in all these cases are dignity and democracy in all its forms: political, economic and social. Of all these movements, protests and revolutions, the peaceful revolutions (despite casualties)in Egypt and Tunisia succeeded in overthrowing the heads of their regimes and are working actively on a process of democratic transition.

The Forum

The Arab world like its predecessors in Latin America, Asia and Africa has started its transition towards democracy. In this context and in response to the "Arab Spring", UNDP organized the Cairo International Forum on *"Pathways of Democratic Transitions: International Experiences and Lessons Learned"*. This forum provided a platform for sharing comparative country experiences. Former heads of state, present and former governors, ministers, politicians, and ambassadors shared their experiences with a similar variety of representatives from the Arab world.

The audience included academics, policy specialists and advisors, representatives of government institutions, civil society, and the media. University students from 3 Egyptian Universities were connected via live streaming to the event. Via social media, the event reached over 30.000 UN staff, 2.5 million individual users worldwide and 12.8 thousand groups.

The objectives of the event were:

1. To gain a better understanding of various types of democratic transitions in order to better manage and respond to expectations in the immediate and longer term;

2. To recognize factors which affect consensus building strategies during transitions, in order to assist national partners in their national dialogues;

3. To increase ability to assess the risks/benefits of alternative strategies which enhance the socio-economic justice component of democratic transitions;

4. To learn from other experiences of political and economic inclusion for men, women and young people to ensure a fair and equitable development agenda;

5. To expand opportunities for south-south co-operation and networking.

What Does the Literature Tell Us?

Transitions to democracy are complex, and have a variety of possible courses and end results. The specific characteristics depend on the socio-economic context of the country and the regional and international conditions prevailing at the time. Hence, a country's experience in transition cannot be mechanically transferred and applied to another country. However, the comparative literature on distinctive features and lessons learned from earlier transitions in the 1970's, 1980's and 1990's can provide valuable information to support an understanding of the transition process.

What the comparative literature tells us is that transition processes are protracted or long-term. The first free parliamentary elections in East and South Europe, for instance, took a minimum of 4-7 months (Greece, Romania, Bulgaria and East Germany); it took Portugal, Spain, Poland and Hungary 18 months. The gradual transformation process in Mexico took about seventy years.

Second, transitions are also characterized by absence of certainty. The transition process involves political negotiation between elements outside the regime, i.e. the opposition, and elements within the regime in an attempt by each side to beat the other. There is no guarantee for a successful transition.

Third, transitions are the outcome of mass mobilization. Contrary to some observations, they are a result of elite pacts and empirical evidence informs us that no transition takes place without pressure exerted by social forces such as trade unions (in Europe and Tunisia), farmers groups, clerical groups and neighborhood groups (in Latin America).

A key lesson learnt from prior transitions is that a democratic outcome requires a commitment to democracy. Despite defects of democracy and growing frustration with its institutions, there are no indicators showing a desire to replace it with another form of governance and there are fewer indicators supporting autocratic leaders. The real challenge lies in the ability to remain committed to consolidating democracy without falling to idealism or cynicism.

Another lesson learnt from transition experiences of numerous Eastern and Southern European Countries is that the majority of actors focus their energy towards guaranteeing free and fair elections, through a transparent and well managed electoral process, and writing a constitution. As mentioned above, these countries managed to conduct elections within four to eighteen months and furthermore, have been able to produce a new constitution within one to two years.

Finally, the experiences of some European and Latin American countries show a lag between democratic achievements and respect for economic and social rights based on equitable distribution of wealth and national assets. Therefore, some have continued to struggle for years to eradicate poverty and inequality. However, there are other countries that have managed to improve economic growth rates and increase jobs and welfare. Exploring what separates the diverging experiences can support policy makers in countries undergoing transition.

Challenges of Democratic Transformation

The forum discussed transitional experiences of the represented countries, focusing on the challenges met and measures taken to ensure success. The challenges captured below are not all encompassing, but were prominent in the forum's discussions. The report presents general recommendations based on the challenges faced and the measures adopted by each country featured during the forum.

SOCIAL CHALLENGES

Changing long-standing socio-economic patterns is a difficult and a central challenge facing democratic transitions; continuing the course of change entails a constant struggle.

The apartheid regime, for example, forced black and colored people in South Africa to live away from urban areas where they worked. This became a social custom that proved arduous to change; "Living in ghettos creates ideological ghettos". Furthermore, the divided tribal system in South Africa made the rationalization (right sizing) of governance structures difficult. For example, there were 14 different educational systems in the country. As soon as the administration was reformed the state had to guarantee the employment of the staff for five years and bear the costs of the process, contrary to right-sizing principles which could have resulted in loss of jobs and tribal tensions.

POLITICAL CHALLENGES

There are also political challenges that are met when embarking on change:

- In Brazil the political challenge faced was that of enforcing democracy.
- Chile's challenge lied in the power equilibrium between the dictatorial regime and the forces demanding democracy, which created popular uncertainty, anxiety, anarchy and many crises. This made it hard to build a government, a process that requires sufficient amount of confidence and popular support.
- Mexico's challenge lied in ensuring election results are not influenced by or involved in organized crime and money laundering.
- Reaching popular unanimity to live under a democratic system in Argentina was challenging, especially when attempting to include anti-democratic forces.
- South Africa struggled with reaching a set of measures that ensure progress along a democratic path and moving away from conflict.
- Indonesia struggled with achieving strong national consensus, defining a roadmap that is widely accepted during a period of instability and attempting to move from a state of "prevailing uncertainty" to one of certainty.

ECONOMIC CHALLENGES

The realization of economic stability and driving economic growth are central goals of transitional governments. During transitions, governments, as explained in the case of Chile, struggle with the spread of unemployment, rising inflation and poverty rates along with decreasing levels of investment. Consequently, transitional governments strive to have the economy play its role in supporting the political transformation process and in realizing popular aspirations for social justice and fairness.

Measures Taken During Democratic Transformation

ON CONSTITUTIONS

Transitions to democracy require a new social contract- the governing document of which is the constitution. The measures adopted by each country vary: while some completely revoke the old constitution others introduce amendments that conform to the character of the new phase. This is very much influenced by the transition's style; if the transition represented a complete break with the past or, alternatively, if it was the product of a negotiation processes.

- In Brazil, congress was elected first and commissioned to write up a new constitution, which was later approved.
- In Chile, the opposition negotiated with the regime to amend the constitution.
- South Africa's old constitution remained until the negotiations ended with the apartheid regime.
- Argentina only changed its constitution ten years after the inception of the democratic reform phase.
- In Tunisia, the revolution revoked the constitution after which a higher national commission was set up and commissioned to prepare for elections of a national constituent assembly to write up the constitution.

ELECTION PROCESS AND POLITICAL PARTIES

The organization of the first free and fair election, the expansion of participation and of political parties' rights, and reaching agreement with political forces of the old regime are all difficult challenges of democratic transition. However, though difficult, country experiences have exemplified different measures that meet the needs and demands of the transition period.

Good examples abound. Brazil focused on the procedural matters related to the voting system, means of regulating the electoral process and its integrity. Both Chili and Argentina made successful attempts to set up a large alliance among forces that support democracy. Both Indonesia and Chile encouraged participation by women and youth. South Africa and Mexico were adamant

about ensuring representation of minorities. Mexico provided a unique example in public financing of political parties: public financing accounted for 90% of the budgets of political parties; 30% of public finance to political parties was evenly distributed to all parties, while the remaining 70% was distributed to each party according to its share of seats in the last congress. Parties' ability to have access to the media was limited except through the government media so as to ensure equality between them. Tunisia recently dissolved the ruling party, deprived its members from exercising their political rights and decided to allocate 50% of the parliamentary seats to women.

ENGAGING FORCES OPPOSED TO DEMOCRATIC TRANSITION

The relationship with forces opposed to democracy, i.e. the army, police and business community, acquires special importance during the democratic transformation phase:

The Military:

- Brazil placed the army under the full jurisdiction of the legitimate civil authority.
- Argentina changed the army's mindset.
- Chile adopted a dual course seeking, on one hand, to underline the need for the military to respect the legitimate authority of civilian oversight and not be involved in political life, and on the other, to change civilians' attitude towards the army to foster respect for the military and acceptance of their monopoly of armed force.

The Security Forces:

- Argentina and Indonesia applied a similar approach underlining the need for full separation between defense and police in terms of function.
- Chile applied a gradual reform of the police through curriculum reform and police professionalism.
- In Tunisia, a committee was recently formed to investigate human rights violation cases and the committee was commissioned to develop a new plan of security and its role in society.

The Business Community:

- Chile represents a good example of how to deal with the business community by enacting clear work regulations. Comparative experience stresses the importance of not denouncing the business community as a social group but instead holding them accountable as individuals.

THE JUDICIARY

The judiciary often plays an important role in democratic transitions. For example, to aid its transition, Brazil set up electoral courts. In Chile, judges insisted on rejecting the amnesty laws issued by Pinochet and on investigating anti-human rights crimes and bringing their perpetrators to justice. In South Africa, judges played an extremely important role in writing the constitution. First, they were commissioned to ensure adequate consensus reached by negotiators on the governing principles of the draft constitution. In addition, they undertook the responsibility of reviewing the draft constitution before a referendum was held in order to reveal whether the draft remained committed to the general principles governing the constitution.

REGARDING AMNESTY

Concerning the issue of granting amnesty for crimes that violated human rights, South Africa's pioneering experience was emulated by Brazil. Truth and reconciliation committees were keen to apply the principle of justice rather than revenge. Chile as well, capitalized on the South African experience. However, conditions in these two countries were different. The perpetrator in South Africa had to apply for pardon and admit his crime. The idea was that amnesty had to be the result of an individual based negotiation process, not a general blanket amnesty as was the case in Chile. Furthermore, South Africa was content with more than material penalties, i.e. with the moral penalty of "disgracing the individual". Truth and reconciliation was applied by Chile, too, although it insisted penalizing the perpetrators and compensating victims' relatives. In Argentina, the public never accepted immunity from prosecution and the amnesty law enacted during the instability period was declared unconstitutional. In Mexico, there were no laws incriminating or penalizing such events.

ECONOMIC GROWTH AND DEALING WITH CORRUPTION

Measures adopted by Chile included the following:

- Economic openness to expand the market through bilateral and multilateral economic agreements;
- Subsidizing exports;
- Flexible foreign exchange policies;
- Encouragement of direct foreign investment;
- Establishment of public-private partnership to improve infrastructure ;
- Reforming and building a sound financial system to manage the public debt;
- Regulating banking transactions and increasing foreign reserves;
- Backing the public sector and combating monopolies;
- Promotion of medium and small industries;
- Encouragement of growth of internal demand;

- Reform of the taxation system;
- Complete intolerance of corruption;
- Dealing with corruption in the selling of public sector companies at two levels:
  - Formation of parliamentary investigation committees
  - A system to improve monitoring ;
- Enactment of laws to ensure transparency;
- The development of a clear accountability system;
- Reform of public systems to ensure efficient and effective performance.

Indonesia resorted to the following set of measures:

- Easing the restrictions impeding social, political and economic development;
- Taking instant decisions to improve macroeconomic indicators;
- Prevention of capital flight;
- Formulation of policies and measurable procedures to combat corruption;
- Enactment of an anti-monopoly laws;
- Formation of an independent committee to ensure fair practices in the business sector while breaking-up existing monopolies and preventing the emergence of new ones.

South Africa focused on:

- The adoption of anti-corruption policies;
- Parliament enacted a decree-law, which allowed investigation into- and confiscation of- assets owned by corrupt officials and brought them to justice.

Lessons Learned

The measures taken by countries during their transitional periods point to a number of lessons learned that could be summed up as the following:

POLITICAL PROCESS

1. Confronting oppression is worthy of sacrifice. It is important to understand that struggle is part of the development process; democracy derives its existence from a central principle: it is possible for people with conflicting interests to coexist and negotiate a compromised solution to a problem.

2. Democracy does not solve all problems. Rather it is a way of dealing with problems and working to come to a solution.

3. Consensus should be reached on fundamental problems to ensure that the constitution appropriately reflects and protects the interests and rights of all social groups.

4. The process of democratic transition must have the support of citizens and local communities through their participation. This cannot occur without scoring some achievements, which relate to people from all economic and social levels.

5. Urging youth to become politically active and engaging them in the transition phase can secure the continuation of the democratic transition into the future.

6. It is also necessary to enable women to participate in the formulation of democratic transformation.

7. The process of writing the constitution should be characterized by the inclusion of all political groups, economic factions and religious loyalties as well as racial and ethnic affiliations so that the constitution becomes expressive of all and owned by all without exception. South Africa is an excellent model in this respect.

8. The security system is necessary for the maintenance of stability and restoration of confidence in the economy.

9. It is necessary to provide infrastructure, mechanisms and channels to facilitate the involvement of and backing of minorities and marginal groups.

10. Though the countries of the forum did not have to struggle with the issue of religion in the same way as Egypt and Tunisia, all agreed that Islam's humanity can be helpful during transition if it is anchored in the constitution as a philosophy safeguarding the equal rights of all.

SOCIO-ECONOMIC POLICY & SOCIAL JUSTICE

1. Political transformation towards democracy can be undermined by lack of economic achievements.

2. The oppressive Arab development model, which did not trickle down growth achievements, has been a root cause of Arab uprisings. Achieving economic growth, with social justice and fairness is possible. Chile, South Africa and Brazil have managed to reduce inequalities without reducing economic growth rates.

3. Regional disparities in socio-economic development and in access to basic social services constitute a direct threat to democratic development.

4. South Africa and Brazil increased government social spending while promoting a market economy, where the state assumed its regulatory functions and provides basic infrastructure. South Africa, Chile and Brazil showed that the realization of social justice could in itself be an incentive for economic growth through the expansion of the domestic market scope and alleviation of social tensions.

Recommendations

POLITICAL PROCESS

1. Be results-oriented during political debates and negotiations.

2. Strive to find common ground during transition periods, search for possible points of unity amongst social groups disregarding political differences that do not relate to fundamental principles.

3. Focus on achieving agreement, where possible, delaying agreement on sticky issues which do not violate fundamental rights and freedoms to a later date in order to prevent an impasse in the transition process.

4. Work on developing or strengthening conflict-resolution systems and do not forget to work on inclusive mechanisms for economic, social and religious conflict management at the local level.

5. Strive to address participants' fears and concerns during negotiations in order to encourage more inclusive processes of transition

6. Take necessary measures to ensure political parties are honest in their loyalty to democracy. The State should provide appropriate conditions for honest political competition (financing and access to the media) and should be impartial towards political parties.

7. Enact procedures to restructure security organs, rehabilitate security cadres through reform of their political orientation, and reform police academy curricula in conformity with the principles of democratic societies to ensure police and security sector reform.

8. Create independent entity composed of non-partisan members whom people trust to supervise elections.

9. Establish clear rules and measures for the electoral process and set up a specialized court to consider election-related cases.

10. Compile valid electoral lists and ensure their regular revision, also, considering the creation of a system that allows for electronic polling.

11. Emphasize the humanity of Islam if the constitution's writers insist that Islam is the protector of citizenship rights for all. This was suggested by the majority of participants and Indonesia provides a good example.

SOCIO-ECONOMIC POLICY & SOCIAL JUSTICE

1. Must ensure consensus on and formulation of policies on socio-political and economic justice.

2. Should reconsider the distribution of resources to various governorates and provinces in order to mitigate inequalities between them and realize social justice. In Tunisia, for instance, 82% of public investments have been allocated to coastal regions compared with 18% for internal regions; the situation is even worse in Egypt.

3. The probable viable mix of policies is one that includes the following:

   • Economic liberalization- putting an end to monopolistic privileges and opening the door to competition and free trade.

   • Redefinition of the role of the state, emphasizing its regulatory and monitoring role, ensuring the law is applied and consumers are protected. There should not be a huge government sector in the economic field, though the state should retain its ownership of basic industries that are of special importance in the national economy.

   • Self-reliance and limiting borrowing from international institutions to a minimum

   • Increasing support for the poor through reducing waste and improving the implementation of social assistance programs. This does not necessarily mean spending more as much as it means spending better. For instance, the public subsidy of utilities (water, electricity, etc.) is a wasteful and negative application of social assistance programs.

   • Investment in human resources (education and health) is a major driver of competitiveness.

   • Introduction of comprehensive and progressive taxation reform to increase domestic resources and distribute the tax burden fairly.

Four Country Cases

To offer a general perspective of transitions, four country experiences were presented. These four experiences are regionally diverse: an African, an Asian and two Latin American. Three of the cases experienced a rapid transition and the fourth a slow one. Yet it is important to remember that democratic transitions do not necessarily follow the same path even if the goals are similar. Though there may be similarities, the differences should not be neglected. Country exchange on democratic transition is not meant to provide models for replication, but is to encourage the sharing of experiences in order to inform choice of paths and methods.

CHILE

Representing a faster paced transition in Latin America, HE Former President Michelle Bachelet presented an overview of the Chilean experience. Emphasizing that democratic transitions denote the formulation of a new social contract, making it very dangerous to submit to the influence of imported models, Ms. Bachelet insisted that the transition process must be based on the respective country context.

Chile's transition flared in the face of a dictatorial regime that systematically violated human rights often cited by the international community as an example of social and political failure. Ms. Bachelet identified the lessons learned from the Chilean experience as follows:

- It is imperative to seek unity of forces supporting democracy as their disintegration and division strengthens the position of anti-democratic forces.

- It is necessary to cooperate and work with young people and grassroots movements.

- It is necessary to agree on constitutional rules and develop a reference or framework for the transition process. A transition should involve a time schedule and clearly identified stages:

  - Determination of the form of government;

  - Determination of the electoral system;

  - Transparency.

- It is important to be aware of the fact that the long-term transition to democracy requires law change and amending the procedures and regulations associated since authoritarian regimes leave their mark on all political, economic and social community systems.

- It is important to remember that democracy is closely linked to social peace; democracy and justice are intertwined democratic forces that must be just.

- It is important not to forget that people will have expectations about their level of welfare.

- Local communities must engage and participate in democratic development.

- Democracy is a bitter enemy of revenge.

- Engaging women in the process of transition is integral for a pluralistic democracy; women must be included in the process of drafting the constitution, and the door must be opened for the participation of civil society organizations that focus on women's issues.

BRAZIL

Brazil's lengthy development into a democracy contrasts with that of Chile's six-year transition. Yet, there are points of similarity between Egypt and Brazil. Brazil had a long history of formal democracy before 1940, followed by an oligarchic dominance. From 1940 until 1964, there was a period of democratic experimentation where there was relative freedom of press and trade unions. This was followed by an era of military dictatorship lasting until 1985. The Brazilian dictatorship is thought of as less severe than those experienced in Chile and Argentina. Though the transition to democracy had begun during the period from 1974 to 1985 (in the shadow of the dictatorship), the last stage of democratic development -the stage of stability- took nearly twenty years to reach.

Though there was actual historical communication between Brazil and Argentina (democracy crossing to Brazil through Argentina), HE Celso Amorim (who presented Brazil's experience) was quick to emphasize that countries can draw from, but not be dictated, lessons from other countries' experience. He also emphasized that democracy is never completely realized- it is an ongoing and ever-evolving process.

Four main obstacles challenged Brazil's transition to democracy, according to HE Amorim:

- Economic stability;

- Economic growth;

- Economic and social equality.

Inequality remains Brazil's most difficult, complex and prevailing challenge even despite the fact that it's Gini Coefficient in Brazil continues to decrease. This pattern indicates that the causes for inequality and exclusion are not only economic, but also social and political.

Brazil's society is characterized by ethnic pluralism, one reason for the inequality problems. Progress made in this area, however, would not have been possible if economic stability had not been reached. Similarly, the relationship between social inequality and political instability is one that demands attention.

It should be stressed that democracy is not only related to principles but also mechanisms. This means: electoral and voting systems, control of electoral campaigns to ensure the integrity of elections, and the Constitution. In Brazil's case, a Constitutional Assembly was formed, entrusted with the sole mission of

writing the constitution after which it would be immediately dissolved. Reaching an agreement on the relationship between civilian and military sectors is also of great importance.

Brazil's continued efforts still include pending issues such as that of amnesty for crimes committed under democracy. Unfortunately, there are no ready answers prepared in advance for these issues, as they differ from one country to another and are dependent on the severity of crimes committed and other aspects of the transition. Brazil's choice was to refrain from bringing these cases to court.

SOUTH AFRICA

South Africa's experience – presented by Mac Maharaj, a leading founding father of the democratic South Africa - was of one of meditated, patient and methodical transition. Political protest in South Africa was the outcome of a wide-scale rebellion, but it was also necessary that it be organized. South Africa was able to reach its current state by recognizing the people's right to revolt. It was a country that also had to deal with perhaps one of the biggest human rights obstacles and the biggest rifts in justice and equality. This same challenge brought about the most central lesson to be learned from South Africa's experience: when applying justice, there is no room for revenge, bearing in mind that opposing tyranny is always painful.

South Africa's experience is based on the understanding that democracy has a number of components all necessary for democracy but none good enough on their own:

- A constitution
- Democratic structures
- A multi-party system

Conflicts of interest among different socio-political parties are ever-present when building a democratic system. It is imperative to develop mechanisms that settle such conflicts knowing that when a conflict between parties lasts for long periods it becomes more difficult to gather stakeholders around the negotiating table. A precondition to achieving progress is engaging groups in negotiation and dialogue, ultimately finding ways to resolve the differences and conflicts among opposing groups.

South Africa's transitional leaders worked to get the conflicting parties to negotiate directly with each other, focusing on the commitment to democracy and inclusion of all factions of society. Guarding against exclusion protects against creating differences that would be harder to negotiate and resolve later. Extensive negotiations were the defining feature of the South African experience and the question of who would concede and take the first step was an issue that was raised, one that was resolved by Nelson Mandela who opened the door for negotiations while still in prison. Mandela emphasized that as long as the process had begun, there was no difference which side gave way first.

Transitional leaders must consider their relationship with the local and international external parties. There was a struggle for power in South Africa, external powers wanted to impose their own solution but the strategy drawn up by the African National Congress (ANC) and African Forum made it difficult for those powers to exact their solution.

The ANC developed a roadmap of how to negotiate through the "Harare Declaration[1]." The aim was to take the initiative so the people would see the ANC as a force of change. It was not enough to fight or struggle- in a transitional stage, it was important to have a vision of change to ensure support.

[1] A declaration of the Commonwealth of Nations setting out the Commonwealth's core principles and values, detailing the Commonwealth's membership criteria, and redefining and reinforcing its purpose. More specifically, it reaffirmed the political principles laid out in the Singapore Declaration of 1971. The Singapore Declaration had committed the Commonwealth to several principles: world peace and support for the United Nations; individual liberty and egalitarianism; opposition to racism; opposition to colonialism; the eradication of poverty, ignorance, disease, and economic inequality; free trade; institutional cooperation; multilateralism; and the rejection of international coercion.[3] The Harare Declaration reaffirmed all these except the last and emphasized a few of the principles and values mentioned in Singapore as integral to the Commonwealth project. At Harare, the Heads of Government dedicated themselves to applying these principles to then-current issues, such as the impending end of the apartheid government in South Africa.

Two topics central to the South African experience are the constitution and amnesty. When members of the National Congress (in prison or in exile) were demanding immunity during negotiations, the ruling regime rejected it. As the negotiations continued and it seemed that the balance of power was shifting away from the former ruling party and inevitably towards democracy, the former ruling party started asking for amnesty. The transitional leaders were so committed to negotiation and democracy that everything was discussed in the new processes: the shape of the negotiation table, who would sit at it, etc. It was decided that all political factions would sit at the table, even ones that were a direct product of the apartheid regime and even though this would mean the ANC would not have the majority. Despite this knowledge they were keen to obtain the support and involvement of these factions and they succeeded. The forum worked together having agreed that no foreign forces would be allowed to draft their constitution. The ANC stressed the necessity of setting up constitutional principles that would determine the final shape of the constitution.

INDONESIA

As an Asian Nation with the largest Muslim majority, Indonesia poses a very interesting example for Arab countries rallying to reach the goal of a prosperous democracy. As former president serving during Indonesia's transitional period, HE Bacharuddin Habibie presented the country's experience.

Indonesia's similarity to Egypt specifically lies in the rabidly authoritarian regimes both nations endured. Yet there are 500 ethnic groups (with different languages) in Indonesia. Indonesia is a pluralistic society with a Muslim majority; it is not an Islamic state but a democratic republic.

The fall of the dictatorship and the shift towards democracy in Indonesia was provoked by economic problems. The domino effect of the economic and financial crises in South-east Asian countries played its part in the deterioration of the Indonesian currency leading to rising food prices—many people became unable to provide for their daily needs. A dramatic increase in unemployment

—where numbers ranged between 4.6 and 5.3 million people- led to a rise in security problems; this was accompanied by a decline in productivity, the emergence of a fertile ground for corruption, and a growing concentration of wealth. After a growth rate of 7.8% before the fall of the regime, the country faced an economic crisis expressing itself in deterioration of the currency's value against the dollar and other currencies, migration of foreign capital, and the slowing rate of economic growth. The financial crisis caused the banking system to fail, leading to a state of economic recession.

The economic crisis undermined then-president Suharto and his regime's legitimacy, triggering protest. These protests started as confrontations between students and security forces, soon expanding to the extent that they presented a threat to national unity and eventually leading to the downfall of the regime.

The seventeen months of the democratization process (the entire period of his rule) presented HE Habibie with the following lessons on democratic transitions:

1. Effort must be exerted, in the short term, to ensure that uncertainties turn into certainties;

2. It is necessary to reach national consensus and encourage people to follow legitimate methods to achieve their demands;

3. It is possible to ensure a gradual evolution towards democracy, instead of a revolutionary transition, through the development and rapid implementation of a peaceful transition plan;

4. An emphasis on civil liberties, press freedom and freedom of opinion, freedom of demonstration and the right of association for all serves as a safety valve to unload political pressures;

5. Limiting the term of the President is an important component of a transition.

6. Motivating young people to participate in the political process is important;

7. It is important to encourage the establishment of political parties that recognize and accept the constitution;

8. It is important to stop neglecting regional disparities and trust in local communities;

9. It is important to clearly define the functions of both the army and the police;

10. Also important is the task of investigating cases of corruption and prosecuting corrupt officials.

With regards to institution building, it is necessary to dissolve three oppressive authoritarian institutions. The first is the security body, which is not limited to the state security. There is a need for the rehabilitation of its elements and for the provision of guarantees for civilian oversight by the judiciary and civil society. The second is the state-owned media, which was used as an instrument of oppression and defamation of opponents during the former regime. Finally, the interest groups associated with the National Party, which is the bloc that shaped political life in Egypt during the last period. It is necessary to dismantle the father/ son state regime and its association with businessmen, provided that this process is accompanied by building new institutions. This process requires rethinking the centralized structure of the state. It is necessary to move toward decentralization, in addition to the local councils which represented the backbone of the regime.

The Transition to Democracy

This section summarizes the points made during the forum's parallel sessions and south-south roundtables by international speakers and regional discussants; questions and comments expressed from the audience are also captured. Opinions expressed during the forum on the transitions underway in some Arab countries are included in green boxes marked with speech bubbles.

VALUES - INSTITUTIONS - LEGISLATION (points raised in the forum discussion)

There is no manual for building democracy; otherwise such an undertaking would have been an easy task for all. Building democracy requires the presence of three pillars; namely, legislation, institutions associated with the process of building democracy, and values (ingrained habits of democracy as a way of life). In the context of the transition process, there is a need for effective, equitable, and fair legislation that ensure, when applied, substantive equality and the rights of citizens.

The importance of institutions lies in the fact that building democracy requires building many new institutions and reforming existing ones. For example, there are now many emerging institutions in Egypt (political parties, coalitions, trade unions, etc.) that should be, according to people's aspirations, effective and free from corruption. In addition, the security establishment, according to people's expectations, requires reform. Soon, Egypt will have an electoral management system and a parliament that will, so the hope, contribute to the effective building of a democracy. Furthermore, the discussion about democracy is not only related to politics, but rather to a way of life that requires adaptation in society's value system to ensure the restoration of pluralism, acceptance of others, and gender equality.

> The local context in Egypt is unique. A revolution took place, but without taking the reins of power in its own hands. Hence, the same system of governance is managing the country at the moment; it enjoys an administrative legitimacy, but lacks political legitimacy. This means that its legitimacy is temporary, as it will have to eventually hand-over power to an elected democratic government. There are a number of challenges facing the achievement of legitimacy, including the parliamentary elections, the presidential election, and the drafting committee of the constitution, which is still a controversial issue in terms of its composition.

THE CONSTITUTIONAL PROCESS (points raised in the forum discussion)

There is no single model for the process of transition to democracy, and each community must create its own path of such process according to its own country's circumstances.

Regarding the drafting process of the constitution in South Africa, the objective was to put the people's choice in the foreground. This required addressing a number of issues, including: (1) choosing political institutions for the post-conflict phase. In this regard, there was an urgent need for an institutional form

that guaranteed the distribution of political power in society as a first step, in addition to the fact that the choice is to be made by people themselves; (2) addressing the social dimension because the continuation of inequality would hamper democracy; and (3) addressing human rights' violations.

> **Box 1:**
> **The Process of Constitution Making**
>
> A distinction should be made between constitution drafting, which is a legal and technical act, and constitution making, which is the result of political dialogues and compromises. Constitution making is a complex and multi-dimensional venture. It involves various processes and stages, with multiple actors consulting with one another to reach a consensus on the nature of the constitution. The makers of the constitution need to decide on the procedures to be followed during the making of the constitution, and they also need to deliberate on relevant matters like the nature of the political institutions that will be set up (this can include the judiciary, federal and regional governments). The whole process may be a guided roadmap, and a sequence of events to be accomplished within a certain time frame; and the time frame may be ridged or flexible.
>
> *Source: Constituent Assemblies and the Process of Making a Constitution, IDEA, October 2007. P.1*

As for South Africa, the societal dialogue focused on a number of key issues: (1) whether it is necessary for the transitional government to oversee elections prior to drafting the constitution; (2) whether the constitution should be written by a constituent assembly; (3) whether the constituent assembly must be held before or after the elections; (4) whether sanctions should continue to apply on those who have violated human rights; (5) the status of social groups in the constitution; and (6) finally, the status of the radio of South Africa as a public domain working impartially without being subject to (governmental) pressure.

This dialogue in South Africa led to the proposal of different scenarios. In 1998, a scenario was put forward, under which the parties would have to engage in negotiations regarding the new constitution, while the parliament engaged in drafting the constitution. The scenario was turned down, as the «Harare Declaration» came to constitute an obstacle. The second scenario suggested the draft of the new constitution be written after the elections. The preparation

The political system in Tunisia was based on tyranny (authority by one person under no control), and a political party controlling the country and making the opposition a matter of sham, for the purposes of external image grooming. The dismantling of this system was realized through two procedures: abolishing the constitution and dissolving the ruling party. This has opened the door for a process of transformation on the political level, where the transformation of Tunisia was based on a higher body representing all the community, including all 81 parties, movements and classes. Tunisia will elect a constituent national assembly to draft a new constitution that is based on political pluralism, democracy, human rights, and private and public freedoms. Tunisia has created a quota system for women's participation, where the ballot will reflect an equal amount of men and women candidates (50% / 50%).

As for the security system, numerous crimes and violations of human rights were committed against the Tunisian people, especially during the revolution. Therefore, a fact-finding committee on human rights violations, torture and abuses of security was established. It was also entrusted with the development of a new vision for security and its role in society so that it is in the service of people and a protector of human dignity and public freedoms. As for dismantling the system of political corruption as well as financial corruption, these issues are the subject of a fact-finding committee and it is important here to work on changing mindsets, which is not an easy task. However, what is more important is to develop concepts to address corruption and bribery, which can be summarized in a permanent and independent body, and a framework law of combating corruption and bribery and the realization of the principles of integrity and transparency.

COMPONENTS OF THE CONSTITUTIONAL PROCESS

- Agreeing on a broad set of principles and goals;
- Agreeing on the institutions needed and procedures to be taken for making the Constitution (see box on constituent assembly);
- Preparing the people for consultation by providing civic education on the constitution making process, the country's constitutional history and the constitutional options available;
- Consulting people and interest groups (including, where relevant the diaspora);
- Consulting experts
- Using comparative experiences to inform the drafting process;
- Analyzing opinions;
- Preparing a draft of the constitution;
- Holding public discussions on the draft of the constitution;
- Preparing the final version of the constitution;
- Enacting the final version into law;
- Holding a referendum (or any other method of ratification);
- Bringing the constitution into force;
- Implementing the Constitution.

Source: Constituent Assemblies and the Process of Making a Constitution, IDEA, October 2007. P.1

process for fair elections took four years where the issue of monitoring the elections came in question because the government could not be judge and opponent simultaneously. Thus, an independent committee was formed to oversee the elections. In addition, the General Organization for Broadcasting was established as an important step to ensure popular participation in the process.

The formation of the constitutional committee entrusted to draft the constitution was among a number of sensitive issues in South Africa. A committee of constitutional experts was formed to draft the constitution, as a number of sub-committees discussed sub-issues relating to the components of the constitution. It was important to separate the general constitutional committee from those responsible for sub-issues.

The experience of South Africa stands as an example of how to ensure participation in the process of drafting the constitution, both on the content of its articles and basic principles and on the mechanisms to support the related dialogue. The process of writing the constitution involved the idea of "sufficient

Box 2:
Constituent Assembly

A constituent assembly (CA) is an assembly of representatives selected to debate and draft a constitution. The functions of a CA vary according to its mandate. The parameters within which a CA functions may be preset and may include abiding by a set of fundamental principles -like a bill of rights (e.g. South Africa, Namibia, Cambodia) or using a draft created by a commission. A CA may also be committed to consult with a specific group of people or put its products up to a vote (though a vote may be carried out by separate bodies). Pre-set parameters may include a deadline for completing its operations.

The process of choosing representatives in a constituent assembly varies and includes (not limited to) public elections, nominations or a process that includes both. In the case of general elections: proportional representation is seen as a good alternative to other systems- providing the most accurate representation of the general public. At times there may be a special appointment of women, interest groups, minorities, trade unions, military personnel, the disabled and people from the professional and commercial sectors of society. CAs draw legitimacy from being an inclusive, participatory approach to constitution building evolving from a national dialogue. A CA gives a country the chance to define its vision and address resolution of divisions enhancing national unity and outlining a collective agenda for social and political change.

CAs carry the risk of a reform agenda that is too broad (if provided a frame of reference may be rejected through people's claim of sovereignty). The make-up of the assembly may also mean it can be difficult to compromise due to different views and this may draw out a lengthy process. A CA is likely to be more costly than parliament with a larger delegation involved, a special secretariat and research team, higher costs of documentation and education.

It is advisable to set firm but realistic time limits and strict deadlines for the identified critical issues that should be dealt with speedily. This cuts on cost and provides incentives for productive and task oriented debates. Some costs can be cut by avoiding overlarge membership

Source: Constituent Assemblies and the Process of Making a Constitution, IDEA, October 2007.

consensus", two judges were appointed to decide whether each of the items raised enjoyed sufficient agreement.

In addition, the negotiators had to return to their grass root bases and hold regular meetings explaining and discussing the articles that had received sufficient consensus. Technical parliamentary committees were also formed involving constitutional experts from abroad. It was also important for these committees to encourage the participation of people who are not candidates for any office. Participation is important involvement of a very large number of civil society groups would make it impossible to reach consensus. Thus, the principle of proportional representation was adopted, and in the case of very small groups representation was ensured.

Constitutions emerge from varying sources and processes. For example, Morocco is a country that has witnessed five different constitutions since 1962. These constitutions reflected part of the nature of conflict between the State and opposition. In this regard, these constitutions expressed the approach of the ruling establishment as an expression of popular will. In the wake of the Egyptian and

PROCEDURES FOR THE FORMULATION OF CONSTITUTION

Argentina
- Spared changing the constitution at the beginning of the reform period. The Argentinean constitution was only changed ten years after civilian government took control.
- Drafting the articles of the new constitution ensured including the substance of international and local human rights covenants.

Brazil
- Congress Elections took place.
- The main mission of the elected Congress was to formulate the constitution.

Chile
- In Chile, transition was by agreement since the opposition agreed to participate in politics in accordance with the rules established by Pinochet's 1980 constitution.
- Negotiate amendments to the constitution with the government and military elite.
- 54 articles of the constitution that were considered to be undemocratic by the opposition were amended. The opposition insisted upon this as a first move towards transition.
- 14 parties formed a party alliance for democracy.
- The Party Alliance won a majority in Congress in the 1989 elections, which proved not to be enough to make significant changes.

South Africa
- The exclusion of certain groups from negotiations was avoided.
- A number of general irreplaceable principles were negotiated and agreed upon, based on adequate consensus, which are to be included in and govern the constitutionality of the constitution.
- A parliament with a mandate to formulate a constitution within two years was elected.
- Hold public discussions on the draft constitution.
- Adjudicate the draft constitution at the constitutional court.
- Amend by parliament the constitutional provisions ruled to be unconstitutional for not adopting the general principles.
- Take votes on the constitution and dissolution of the parliament.
- Hold parliamentary elections.

Tunisia
- The constitution was abolished. A high commission, composed of (81) parties, public figures and classes to represent all of Tunisian society, was created and tasked with preparing for the free and direct election of a national founding council whose mandate is to make a new constitution based on party plurality, democracy, human rights and public and private freedoms.

Tunisian revolutions, and the demands raised on February 20, 2011, a hope for change surfaced in Morocco. The King commissioned a committee to draft a new constitution consisting of twenty members of academia and experts with good reputations. The committee has held meetings consulting with different segments of society, ensuring the inclusion of representative ideas and principles in the drafting of the new constitution.

THE ROLE OF JUDGES (points raised in the forum discussion)

The role of the judiciary in South Africa was not limited to the post-constitution phase; it was active in the process of drafting the constitution. In 1996the South African Constitutional Court ruled the constitution unconstitutional.

The constitution was drafted in two stages: first, willingly meeting negotiators agreed upon a set of basic principles that would ensure the protection of the interests of different groups. Such principles were the basis on which general and parliamentary elections were conducted. The negotiators were governed by the rule of "sufficient consensus". Determining whether consensus is sufficient or not was entrusted to two judges: One trusted by the African Congress, the other trusted by the government. Then, some of the controversial issues were tackled and resolved in the negotiation stage, while others were postponed- to be dealt with at a later stage. The process of transition and change was fair, not based on possession of political power.

In the second stage, parliament took over drafting the constitution and was given a two-year time limit for completion, which proved vital. In order to ensure that the constitution was true to the governing principles (that it had achieved sufficient consensus earlier in the process); it was sent to the Constitutional Court. The court stated that the constitution failed to adhere to these principles in 9 positions. Therefore, the constitution was returned to the parliament to correct the shortcomings cited by the Court. The drafting process of the constitution involved representatives of all classes and social, religious and ethnic groups, so that no one could claim that they were not taken into account. Hence, 98% of those eligible to vote agreed to the constitution. The process attempted to ensure that the constitution work properly on one hand, ensure everyone feel a sense of ownership on the other. As a result it is said that South Africa is not a state with a constitution, it is a constitutional state.

JUDICIARY ROLE	
Brazil	• A specialized court was created with the jurisdiction to ensure the integrity of elections and their results.
Chile	• Looking into human rights-related crimes, judges refused to grant amnesty.
South Africa	• There should be acknowledgement of the adequate consensus-based agreement reached by negotiators on governing principles for formulating the draft constitution by judges who represent, and are trusted by, the negotiators. • Adjudicate the draft constitution at the constitutional court.

CONSENSUS – INCLUSION (points raised in the forum discussion)

As for how to deal with the issue of exclusion/ inclusion in South Africa, some laws were amended, while other laws with a racist nature were abolished since they were no longer compatible with the spirit of the country's new constitution. With the process of constitutional reform, there was group participation, through the collection of signatures on petitions that reached in some cases a million signatures. Committees worked to identify the ideas that must be contained in the constitution; the inclusion of women was secured through special committees set up by political parties.

During the negotiations on drafting the new constitution in South Africa, the government went on to say that the function of the constitution is to protect minorities, and that the constitution should provide a framework, through which the Parliament works. There was also an assertion that unless all forces participated in the drafting of the constitution, the constitution would lack legitimacy.

> Today, Tunisia is taking concrete steps to reach a national consensus, even in the absence of elected representative institutions. There are about eighty parties, in addition to groups of experts, political activists, and members of labor unions and professional associations working to reach a common ground and formula for a national consensus. Proposed measures include the revival of the electoral committee, achievement of equality between men and women, empowering young people to play a role in social and political life, and drafting a law for political parties, especially with regard to funding.

There was, therefore, a two-fold fundamental problem encountered in the process of drafting the constitution: (1) the constitution exists to protect minorities from the tyranny of the majority; (2) unless the majority is included when selecting people responsible for drafting of the constitution, the latter loses its credibility. The lesson learned of this dilemma is that both statements can be valid, yet cause disagreement over the process of drafting the constitution. Therefore, ensuring that neither side over shadows the other was vital; otherwise, each would feel defeated. The solution was that a mutual compromise be made, each conceding something the other needs.

In Mexico, the country remained under the rule of one-party dictatorship for a period of seventy-two years, making deposition more difficult. However, the discussion focused on ten themes during the transition period:

1. Desired change vs. possible change (the aspirations of people vs. executable change), as politics are the art of the possible;
2. The desire to support the executive branch vs. the desire to support the legislative branch;
3. Mechanisms of democratic representation (parliament) vs. mechanisms of participatory democracy, such as referendum on candidates;
4. The desire to punish the perpetrators of crimes and misdemeanors in the past vs. amnesty and tolerance;
5. The election system through party lists vs. individual voting;

6. Solidarity of electoral bodies vs. the independence of the judiciary;

7. Re-election of president vs. one presidential period;

8. The majority rule, under which the winning party in the elections automatically controls the Congress vs. setting limits;

9. Freedom to buy time in the media (radio and television) vs. the state's monopoly of the contracts concluded;

10. Private and party funding of elections vs. government funding.

YOUTH (points raised in the forum discussion)

The experience of South African youth in collecting petitions from the rural population during the constitution making process provides an example of the positive inclusion of youth. Another such example was in the year 2004-2005, when a team of youth workers in the field of local community development wrote a report to be presented to the African Peer Review Mechanism. The aim of the report was to verify that the government was committed to democracy as it claimed. The report addressed issues of political and economic governance and social security.

The Mexican experience also highlighted the need for youth participation based on merit rather than a quota system. There have been several transformations in Mexico which went from a regime based on charisma to one based on institutions. Mexico is now a country with peaceful elections, where the result in its last elections was determined by less than half percent of votes, i.e. by 0.3% yet this incited no violent reaction. Mexico moved away from a system characterized by tyranny of the president to the separation of powers. The political system is no longer a one-party dictatorship; it is now a multi-party system, where three parties are present with an equal chance to win the elections. Now it is a culture that accepts political defeat. The state once officially in control of the media gave way to full freedom of speech and freedom of press.

Three features characterize the Tunisian revolution. Namely, it is not an ideological revolution, clear political goals are present, and it is a revolution emerging from a lower class with no elite leadership due to the fact that the elites are said to have betrayed the revolution. Civil society played a role in this revolution, where the first of these battles was the struggle against the nomination by the Prime Minister Mohamed Ghannouchi of the post-revolution government and the attempt to elect a new president on the basis of the constitution adopted by the Ben Ali regime. This has led to formation of a constituent assembly entrusted to draft a new constitution for the country. It also resulted in a number of other decisions represented in the dissolution of the ruling party and the prevention of its members from assuming future political responsibilities, as well as depriving them from exercising their political rights for a period of five years. Furthermore, it resulted in the dissolution of the state security institution. Developments have revealed that the security institution, in general, is in need for a radical reform.

A coalition of civil society has been formed to draw a roadmap for the reform of a number of institutions; namely, the judiciary, media, and state security, as well as to include a plan for combating corruption and decentralization.

WOMEN (points raised in the forum discussion)

The glory and glamour of democracy is never complete without taking women and their role into account. Women play the most important role in the production and reproduction of social life. Given the fact that democracy is not just a ballot box, but a way of life, it is essential to say that women's role is undeniable in this matter. The transition process must recognize the great importance of the inclusion of women in mainstream social, economic, political and cultural life.

The experience of countries that preceded Egypt in the process of transition and those currently in the process of transition (Tunisia), indicate that the issue of gender inclusion has received varying degrees of attention.

In South Africa, parties worked on the inclusion of women through the formation of special committees for women enabling them to reach other women and participate in the process of drafting the constitution to ensure protection of their rights and interests. In Morocco, the demonstrations in the streets focused on the demands of justice, dignity and equality, particularly with regards to the rights of women to equal pay, protection from sexual harassment...etc. Moreover, the national committee, -entrusted with the process of drafting the constitution-had a number of women nominated to be members. The committee held meetings with civil society organizations, particularly those working in the field of women, in order to take women's rights into account in the new constitution. Tunisia provides a very progressive model in its pursuit to achieve gender equality; the new constitution stipulates that the vote for seats in parliament must be based on equal lists of 50% women and 50% men. Other countries such as Chile and Indonesia asserted the importance of the inclusion of women from the beginning of the transition process towards democracy.

The situation in Egypt presents another variation. The transition since January 25 is ambiguous with respect to its effect on women's issues. The committee in charge of drafting the articles of the constitution did not include women. The social-dialogue taking place through newspapers and other media is almost completely void of any detailed and systematic approaches to dealing with women's issues. This is despite the fact that civil society organizations interested in women's issues have voiced concerns and prepared a document citing the most important rights and aspirations of Egyptian women.

TOWARDS A COMMON GROUND FOR THE REVOLUTION, THE ARMY, AND THE BUSINESS SECTOR (points raised in the forum discussion)

The golden rule of transition to democracy seems to lie in the need to create a joint alliance between forces that believe in democracy and those of other actors who distrust it. Alone the forces of democracy cannot construct a democratic nation; therefore, it is necessary that all stakeholders reach an agreement regardless of their support to democracy.

Chile's experience exemplifies this; the early period of transition to democracy was such that the political situation had reached equilibrium whereby the ruling dictatorial regime was powerful enough to remain in power yet unable to break down the opposition. On the other hand, the opposition had enough power to remain politically active through control of trade unions and students, but unable to assume enough power to put an end to the dictatorship. This situation of power parity meant neither party was able to resolve the political conflict to its advantage. Thus, the country began to deteriorate.

Chile's experience sheds a light on the importance of attempting to reach agreement between forces supporting democracy and social and institutional actors that do not support it, such as the army and the business community. By virtue of military culture (even in the more developed countries) armies are characterized by nondemocratic, authoritarian, hierarchical culture. Thus, there should be a set of clear principles and a great deal of prudence when dealing with the army, as was the case in Chile, Brazil and Eastern Europe.

In order to include the military in the transitional process it is necessary that the army commits itself to the principles of military professionalism, recognizes the legitimacy of civilian authority and remains away from party politics. On the other hand, civilians should show respect to the military institution and refrain from forcing or manipulating it to get involved in politics. Furthermore, as various cases prove, having an effective army requires providing rewarding salaries and the necessary means that enable military personnel to perform their duty and the institution to perform its functions.

As for the business community, it must be understood that its interest is not centered around democracy, but rather business, leading it to distance itself from democracy, if the latter would harm its business interests. Those responsible for the transition process should find mutual goals with the business community in order to establish good relationships that increase the likelihood of cooperation. Meanwhile, the business community would benefit from «clear rules and regulations» to ensure that individual businessmen are tried fairly if they violate the laws but that no public discourse is developed that is adversarial to businessmen as a class or social group.

Furthermore, experience shows that successful transition to democracy would require dealing with violations of human rights in accordance with the law. Prosecution of perpetrators of human rights violations will allow the process of healing and reconciliation to take place. In Chile, no legal action was carried out against military leaders who committed crimes during the Pinochet regime. Ten years later, all the senior generals who were part of the former military police were imprisoned. Thus, for Chile, it was wise to refrain from punishing the army as a whole instead limiting the process to selected perpetrators.

ENSURING THE INTEGRITY OF THE ELECTORAL PROCESS
(points raised in the forum discussion)

In the context of the Mexican experience it should be noted that: though the Revolution took place during the period of 1915-1917 it did not lead directly to the first civilian rule. The transition to democracy in Mexico emerged during a dictatorship, where a dictatorial party assumed then held power uninterrupted for seventy-two years, during which political parties were allowed to exist. This transition process lasted three decades, starting in 1977 with the first constitutional amendment and ending in 2007. It was characterized by a number of changes moving towards an open, multi-party system-ending one-party dominance-, a shift towards decentralization, changing the method of electing the parliament, allowing minorities access to parliament, and establishing a truly pluralistic parliament.

These changes required the establishment of new electoral institutions as the government dominated the electoral process till 1990. An electoral court was established, in addition to an independent committee (institution) to oversee the elections with no possibility for parties to dominate.

Measures taken to ensure competitive fair elections included control of public funding for political parties and the equitable distribution of funding based on the number of seats obtained by the party in recent elections. However, public funding of parties may cause problems in the transition to democracy. Data reveals that in 2007 parties spent about 80% of the total $500 million received for funding to buy airtime in the state-owned radio (parties were banned from advertising in television).

Mexican law states that there must be a period of six years between the requests for the establishment of a political party and running for the elections as a measure to enable the party to attract members. Thus, the party may not run for legislative or presidential elections before that period. Violation of the laws on party financing are strictly penalized, fines reaching $15 million, in addition to the withdrawal and abolition of the party's license.

LESSONS LEARNED FROM FIRST POST-TRANSITION ELECTIONS
(points raised in the forum discussion)

New political parties face difficulties in acquiring new impetus especially in short periods of time during transitions; this is the case of Egypt. These difficulties relate both to security; and to taking on the complex electoral system. The discussion on this topic emphasized a number of lessons:

- The need to establish clear rules and procedures for elections;
- Interpretation and legal action against violations is entrusted to the Court of Cassation of the Electoral Affairs;
- It is necessary to establish an independent body of people as the authority supervising (and managing) the electoral process. These must not be party members but should be powerful and enjoy the trust of the public;

The social and political space before the revolution was tight in Egypt, as there was only limited space for the exchange of opinions and national dialogue. Although this space has widened after the revolution, it is still divided between the liberals and Muslim Brotherhood. Each of these teams had their own world and both teams were separate from each other. However, after the revolution they discovered that they must face each other. The first team is concerned with the number or size of the Muslim Brotherhood, while the Muslim Brotherhood, on the other hand, are not less concerned due to the fact that they are operating in a new environment in which they are not accustomed to. In order for this space to be open to all, it is necessary to determine the common rules accepted by everyone and the dialogue should be conducted without prior conditions. Thus, everyone will enter the consensus without being asked by the others to give up their terms of reference and some of its political and ideological convictions.

- The availability of good electoral records and voter lists;

- Equal opportunities for competition between the parties, in terms of funding and access to the media;

- The obligation of loyalty to democracy by the parties.

It is noteworthy that Mexico had suffered from electoral problems in the presidential elections of 2006, which stressed the importance of some elements of the electoral process. The discord was due to the minute difference in votes, which did not exceed one half of one percent, between the winner and the runner up candidate. In addition to errors associated with the sorting of the ballot boxes and the length of the period between the announcement of the election result and assuming the presidential office by the winning candidate, the time period spanned for about six months. This had resulted in the opposition not immediately realizing who was announced the winner in elections and, thus, organized widespread and mass protests. The existence of an Independent electoral committee endowed with an independent budget and composed of non-partisan members in addition to the role of the Court of Cassation of the Electoral Affairs and the open-mindedness of the party that was defeated in the elections saved the day for Mexico.

What is said about parties in Egypt and Jordan

Although the history of political parties in Egypt dates back to 1907 with 24 parties in the era of Mubarak, these parties were not able to achieve success in rotation of power. In other words, these parties served as decoration for democracy. In connection to the coming legislative elections, most of the old political parties that existed during the rule of Mubarak must be dissolved or adapt to the new law. Political parties need young faces that are accepted in the political arena. Furthermore, one of the challenges that exist between young people on the "Facebook" on the one hand, and the rest of the people, on the other, is the cultural difference.

The existing political parties in Jordan had no role in the revolutions of the Arab spring, but they are now trying to exploit such movements. The history of some of these parties dates back to the year 1928. The Muslim Brotherhood is still a group and not a party. However, it created new ways of working such as forming the Islamic Action Front, which is the political wing of the Muslim Brotherhood. Also, the Muslim Brotherhood has played a role in the national dialogue through the student unions. However, one of the reasons that make people reluctant to join political parties is the failure of parties to develop programs. Another problem is that democracy is not deeply rooted in the context of political development in Jordan. For this, we have to choose a model that reflects the conditions of the socioeconomic development.

POLITICAL PARTIES AND SOCIAL MOVEMENTS
(points raised in the forum discussion)

In organizational terms, political parties in all countries are similar. A solid majority of political parties in the whole world share ideas of common roots (liberal, communist, or social democratic). The establishment of a political party is considered extremely easy; the difficulty lies in its ability to be open, representative and inclusive.

At the end of the Pinochet regime in Chile, for example, there were a hundred political parties. The leaders of these parties believed that they have enormous political power, but, after the first democratic elections, the number of political parties decreased significantly. Parties need to establish grassroots, roots in local communities; real politicians need to knock on doors in order to get people to know them, it is unavoidable because this personal contact is vital to building both trust in parties and allowing for a dialogue with citizens. Parties also need access to mass media to be able to communicate their messages.

Box 3:
Political Party Financing: Lessons Learnt

Financing political parties is crucial for the fairness and integrity of political contestation and electoral processes. There are generally two basic models for political party financing: Private and Public. In practice, both models have their strengths and weaknesses; hence, irrespective of the model chosen, mechanisms and regulations have to be put in place to ensure fairness and integrity of the political process.

Private financing (PrF) comes from funding contributed to a particular party (also candidates) by individuals, corporations or interest groups. While PrF is considered more flexible and helpful to party autonomy, it is also seen as risky, unstable and requiring professional fund raising skills.

Regulation of PrF may take the form of setting limits on contributions or on expenditure. Democracies that adopt restrictive limits find them justified "to prevent the most affluent citizens from monopolizing the electoral process." Limiting contributions aims to prevent the perversion of elections by quid pro quo exchanges; limiting expenditure is geared towards preventing buying votes or elections.

In order to be effective, spending limits must be set at a realistic level. Set too high, they lose effect. Set too low, they may hinder effective operation of the parties. Spending limits are controversial when perceived to restrain freedom of speech (they were found unconstitutional in the US).

Public funding (PuF) can come in the form of subsidies, tax exemptions, and in-kind contributions (i.e. indirect funding). PuF is often seen as one way of making the party system equal and fair and guarding against monopolization of the system by those who have money, power or both. On the other hand, PuF can make parties dependent on the state and may escalate the cost of an already expensive process eventually draining public funds.

There is no real evidence to suggest that PuF can prevent corruption or is necessarily immune to it. Combating corruption and illegal financing, is best served with appropriate procedures for transparency and adequate mechanisms of enforcement of the law.

With PuF the most important aspect to consider is the method of allocation of public subsidies. When choosing a system of allocation, it is important to carefully consider the threshold of eligibility. Some rules of eligibility may defeat the purpose of fairness by empowering older parties. Another aspect to consider is the mechanism for allocation. A principle of equality seems preferable to a principle of proportionality; the former produces a less skewed distribution of funds.

When providing PuF, financial aid should be limited to reasonable contributions. No agreement exists as to what is 'reasonable'. The levels of state funding depend on a variety of factors, including the availability of resources.

There are those who recommend a balance between public and private funding.

Source: Constituent Assemblies and the Process of Making a Constitution, IDEA, October 2007. P.1

ELECTION PROCESS, PARTICIPATION, POLITICAL PARTIES AND THEIR ROLES

Argentina
- Agreement with opposing entities, including anti-democracy entities, was essential. Unity is key in preventing a return to dictatorship.
- Positive action policies in favor of women should be put into place (to designate 33% of election seats for women).

Brazil
- Electronic voting.
- A system that would ensure controlled and honest election process should be set up.

Chile
- A large-scale coalition or alliance for democracy should be made. Unity is the name of the game.
- Grassroots movements should be mobilized, and political parties supported, locally.
- Democratically elected party leaders were legitimatized versus the armed forces, government and other party leaders appointed to their positions because of their government links.
  (Source: U.S. Library of Congress)
- Support for party institutional structures.
- Support for democratic values at all levels of the community and society.
- Encouragement of public involvement.
- Involvement of young people, women and the public should be encouraged to ensure plurality and inclusion of all classes of society.
- Party alliances that can win a parliamentary majority should be made.

Indonesia
- Use of legitimate political means should be encouraged for the people to express their aspirations and avoid "street parliaments", so that strong and viable political institutions can be established.
- Presidential elections should be held within a maximum of 12 months.
- Young people should be encouraged to participate in political practices through the freedoms of assembly and expression.
- The freedom of the press should be ensured and given higher priority.
- Political prisoners should be immediately released.
- New parties, that recognize and honor the current constitution, should be allowed indiscriminately.

Mexico
- Parliaments should be restructured to represent minorities.
- An independent judicial commission to oversee elections should be created.
- An election judicial court should be established.
- 90% of political party funding should come from the government, for elections and daily management of parties. 30% should be distributed equally to all parties; while the other 70% should be distributed based on the number of seats kept by each party in the last parliamentary elections.
- Access to mass media by political parties should only be through government mechanisms to ensure equality.
- An interparty standing dialogue should be held directly or through government mediation.

Tunisia
- The ruling party is disbanded.
- Women are considered. Voting will be undertaken by equal listings, i.e. parity ballots or 50% men and 50% women.

Argentina
- Agreement with opposing entities, including anti-democracy entities, was essential. Unity is key to preventing a return to a dictatorship.
- Positive action policies in favour of women should be put into place (to designate 33% of election seats for women).

Today, social networking is essential to communicate, but other media outlets are also beneficial.

As exemplified in the cases across Latin America, having money alone does not win elections. The electoral campaign management is increasingly becoming professional. Political consulting and campaign management offices are becoming increasingly important. In fact, there is a very wide domain for consulting and training institutions in Latin America.

The motives of transitions and revolutions are often socio economic, not only political. In the Egyptian and Tunisian cases, the masses were concerned as much with clean and democratic government as with better living conditions and less corruption. The transition in Egypt, as an example, is already resulting in new trade unions, associations and social movements. This may pose urgent challenges in the face of political parties in the Arab region. As expressed by several international speakers, the first of these challenges is the need for parties to stress social justice, as political democracy has to be linked to people's standard of living. A popular democracy that achieves social justice is vital. Accordingly, political parties must merge with the movements of the masses and their socioeconomic demands. Otherwise, the movement may lead to military or religious fascism, seeking an absolute and just ruler, capable of providing them with decent living, a state where democracy is not a priority.

TRANSITIONAL GOVERNMENTS: MANAGING EXPECTATIONS ABOUT QUICK RESULTS (points raised in the forum discussion)

Revolutions are consistently followed by high expectations. As a predominantly youthful movement, the Egyptian revolution's rapidly growing expectations are, accompanied by a significant degree of impatience. In addition, no single entity can be a resource for help in managing the growing expectations of the masses. There are three forms of expectations: political, economic, and social.

Democracy and Justice (points raised in the forum discussion)

Revolutions are expected to achieve social justice, dignity, and freedom. However, there is ambiguity in the relationship between economic growth and democracy, because of the evident likelihood that democracy turns into chaos. There are concerns about the economic decline caused by the lack of security and stability. Moreover, there are fears that the government may adopt populist policies in an attempt to satisfy the desires of the people. Finally, uncertainty threatens national security, as exemplified in Egypt's case by the fact that Israel believes that its inability to predict what will happen in Egypt constitutes a threat. All these factors must be taken into account when considering management of expectations.

Transitions do not take linear paths and are not devoid of difficulties. Despite the fact that South Africa's transition resulted in the arrival of the African National Congress Party to power, this positive outcome was the product of a mass movement and a political party struggle, with considerable amount of

disagreement at times about the future of the country. Furthermore, one needs to understand that some reforms will take time to bear fruit. For example, when apartheid laws were abolished in South Africa, it did not at once change the prevailing intolerance because the latter had left its marks on the collective national psychology.

In South Africa, the State lacked legitimacy. When attempting to address the transition process and manage expectations, one would hope to have a viable state, as part of administering change through the support of powerful state institutions.

The source of concern often is how to ensure that an emerging democracy is compatible with the expectations of the people. Thus, one should count on the public's strong motivation to assist in the completion of the required changes. This can be achieved by the inclusion of the people, relying on their support at all times. Also, the State can benefit from ensuring that people are informed about occurring changes and included as part of the decision-making process.

In this regard, the African National Congress and its partners developed a document entitled "ready to govern", a document that included the broad expectations of the movement, what it sought to achieve, and what it wanted from the government. This document constituted the basis for subsequent government policies (Reconstruction and Development Programme, for example).

International speakers from South Africa addressed concerns regarding chaos during transitions. They emphasized that chaos can be managed by the leaders of society who must take responsibility and bear the consequences of their leadership and deal with difficult situations. It should be noted here that the national dialogue in South Africa's aim was to ensure that people's expectations be heard. During the period of transition in South Africa, the rates of violence (organized violence by the State) were high. However, the same period witnessed the highest rates of progress in the negotiation of rights. The period of reconstruction was perhaps the most difficult period because of the conflict between opposing forces.

The Issue of Religion (points raised in the forum discussion)

In the experience of South Africa, Inter-faith groups, including the least socially accepted ones played a role in the transition process to democracy. These groups sat on the negotiation table, for support on issues, but due to their disagreements and concerns. Though there was a willingness of leaders to enter into a dialogue, there remained a need for them to provide tactical concessions without being forced to give up fundamental principles.

JUSTICE AND HUMAN RIGHTS (points raised in the forum discussion)

As expressed by several international speakers in the Forum, successful transition to democracy involves the achievement of two goals, which sometimes seem conflicting, even contradictory, namely:

1. Achieving justice for the crimes of human rights violations committed during the dictatorship;

2. Moving forward to build a future.

In regards to the extent to which emerging governing forces commit to punishing those who committed crimes against human rights, decisions taken demonstrate the approach and goals sought. These decisions rely on the circumstances of each country, there is no standard time required to achieve justice during transition as the transition processes across Latin America, Africa and Asia emphasize.

> Tunisia did not witness the presence of a military regime. It is characterized as a homogeneous population and enjoys a relatively stable economy, as well as having strong work ethics. However, Bin Ali established a dictatorship that was not based on violence, but caused stifling to all government institutions. The Tunisian army did not fire bullets at the protesters until 14 January, the day the curfew was imposed, where the army opened fire on those who violated the curfew.
>
> Tunisia has established a committee for political reform, in addition to a committee to combat corruption and another for human rights. Although the heads of these committees were selected by the Prime Minister, they enjoyed the freedom to choose members of their committees. Members of the human rights committee were from the civil society. The human rights committee, which was established on December 17, 2010, is responsible for investigating cases of violation of these rights. To date, it documented 1650 cases by video and in writing, including 192 cases of murder. The committee is now focusing its work on identifying those persons responsible for violating human rights. Later, there will be a chance to think about reconciliation and forgiveness. However, it is important to respond to the demands of the people, while avoiding the idea of revenge. Also, the committee may turn later to a committee for equity and reconciliation. The next important step will be to reform the police and the judiciary.

Based on the South African experience, reconciliation is a goal that cannot be avoided, if a nation is to be unified in its view of the future without excluding any party. A nation that is divided against itself, without the ability or willingness for tolerance and forgiveness, risks exposing the emerging democracy to danger. As expressed by South African guests, people may disagree on the past, but they do not have the luxury to disagree on the present and future. It appears that countries in transition have a limited number of options with respect to crimes committed during the dictatorship: in some cases there were pardons, while in others there were investigations, reparations and prison sentences for some.

In addition, there is the international human rights frame of reference. International agreements consider some crimes as unforgivable, thus, they are not subject to pardons. Here the role of international actors can be taken into account. A clear example is the arrest of Pinochet in London for interrogation, which opened a new chapter in international law and facilitated the investigation of the crimes committed in Chile.[2]

[2] "However, and according to news agencies at the time, Pinochet's arrest in England triggered mixed reactions. Officially and upon his return to in 2000 he was subjected to investigations by Judge Juan Guzman and human rights groups were very pleased that he was facing charges for homicides. The Foreign Ministry, however, lodged a protest with the UK government over the arrest." (BBC, Oct. 17, 1998).

It must be stressed, however, that democracy without justice may not be effective, and the speed in applying justice is a tough challenge that requires both courage and clarity. Enforcement of justice requires ethical, legal and material reconciliation for the families of the victims. The committees of inquiry and reconciliation represent a good mechanism to achieve justice. There was close cooperation and exchange of experiences between Chile and South Africa with respect to the committees of transitional justice.

The Notion of Amnesty (points raised in the forum discussion)

The notion of amnesty is governed by the conditions of the country and the history and type of violations. Amnesty in South Africa, was the product of negotiation and was dealt with in individual manner, each applicant had to admit committing crimes against humanity as a condition to being considered for Amnesty. As for Chile, Gen. Pinochet decreed a blanket comprehensive amnesty that would "exempt" him and others from being tried for their crimes. Those responsible for such crimes continue to deny that they have committed them. The significance of this comparison is not only to say that amnesty is based on historical and political circumstances, but also in the manner of obtaining amnesty and the goal it serves. In the case of South Africa, those who violated human rights and were given amnesty had to come forward and admit having committed such crimes in person. Hence amnesty was granted on individual bases and not as was the case in Pinochet's Chile. The notion of punishment that was adopted in South Africa was that of inflicting shame on the perpetrators of crimes and in some cases when necessary also inflicting physical penalties (prison). Such a flexible definition ensured achieving a relatively peaceful transition and thus helped strengthen the pillars of the new democracy by focusing on the future rather than the past.

In Argentina, the national committee revealed the disappearance of 30,000 people, a structured method by the ruling military elite. The NGOs were very active in the operations of condemning these violations of human rights despite the issuance of an amnesty law. The Constitutional Court and the Inter-American Court considered amnesty for crimes against humanity unconstitutional, and the parliament eventually abrogated the laws which were issued in this regard. The ruling principle in the Chilean experience was that no one is above the law. It was important to emphasize that the judiciary operates in an appropriate manner so that it can follow violations of human rights.

In the case of Egypt, it may be appropriate to think about the specific mechanisms that can be sought in this regard. The idea of establishing ad hoc specialized committees for transitional justice could be pursued.

AMNESTY FOR HUMAN RIGHTS CRIMES

Argentina
- The people did not sanction being immune from prosecution.
- The amnesty law issued in the period of unrest was considered to be unconstitutional.
- 'Truth, Justice, Memory and Reconciliation' were considered to be one complete whole.

Brazil
- Brazil learnt from the South African experience, namely the "Truth Commission".
- Justice, and not retaliation, was sought.

Chile
- A democracy has to be just.
- There was an insistence on punishing whoever committed crimes against humanity to ensure that they were not repeated.
- Truth and Reconciliation commissions were created as a mechanism to reconcile with the past and empower justice.
- Moral, political and physical (compensatory) reconciliation with victims' families.

Mexico
- A mistake in the Mexican experience is that there was no law to legally punish people for such crimes.

South Africa
- Truth and Reconciliation Commissions were set up.
- Terms of amnesty were as follows: 1) amnesty should be a result of negotiation; 2) amnesty is personal; 3) amnesty seekers should admit that they committed crimes against humanity.
- Punishment does not have to be physical (imprisonment), but it may be adequate to shame the perpetrator.

Problems of Amnesty and Compatibility with the Opposition and the Military (points raised in the forum discussion)

There are a number of points that must be taken into account when considering the problems of amnesty and compatibility with the opposition and military. First, unity amongst forces supporting democracy is important; however, it is more important that the forces that do not support democracy accept to live under democratic rule. Democracy does not provide solutions to all problems, instead it should be thought of as a method of managing conflicts. In addition, it is important to take into account the regional environment as it provides the necessary context for the change that is sought during the transition phase.

In the case of Argentina, a paradigm shift was in order for the military that viewed sectors of the population as an enemy of the state. Hence, the army took it upon itself -as a national duty- to confront those sectors. It was important during the transition phase to ensure that the military abandon this doctrine. The new constitution asserted respect for human rights attempting to ensure that the era of dictatorships will not return.

RELATIONSHIP WITH ANTI-DEMOCRACY ORGANIZATIONS (ARMED FORCES, POLICE AND BUSINESS PERSONS)

Argentina
- The doctrines for the armed forces should be changed.
- Full separation between defense and the security forces should be made. (The armed forces should only deal with foreign threats.)

Brazil
- The armed forces have been fully subjected to legitimate civilian power.

Chile
- Civilians should respect the professional role of the military, which should be accepted as controlling the armed forces and having dignified living standards.
- The military should respect and obey the legal civilian power.
- The military should not take part in partisan politics.
- Chile has adopted a gradual system to reform the police by firstly changing police academy courses and the professional doctrine of future police officers who are now trained that nobody is above the law.
- Police policies and strategies have been replaced and now support the view that the people come first.
- Clear-cut regulations for businesses have been issued. Businesspersons are not categorised and should be accountable as individuals.

Indonesia
- Clear division of work between the armed forces and police must be emphasised.

Tunisia
- A fact-finding committee was created to investigate torture, human rights abuses and aggressions by security forces.
- The fact-finding committee was also mandated to devise a new concept for the security forces and their public role in a way that they may serve the people and protect human dignity and public liberties.

COMPONENTS OF POLICE REFORM

- Assessing the state of and needs for internal security within political and historical environment;
- Assessing legislation and policy affecting police;
- Depoliticizing and demilitarizing policing systems;
- Devising plan for police reform including the revision of mission and doctrine and the transformation of managerial and leadership styles;
- Creating clear communication mechanisms to inform all stakeholders involved in police reform including the public to change negative perception by highlighting new mission, goals and values;
- Creating internal drivers of change within the institution;
- Combining and coordinating police reform with judicial reform, including the criminal justice system, for effective results;
- Mainstreaming gender and human rights in the reform process;
- Monitoring and evaluation during implementation of police reform process to assess progress and determine arising needs;
- Adapting democratic principles, policies, practices and lessons learnt of other places to country context;
- Involving a broad range of actors including civil society in the reform process and oversight mechanisms by creating mechanism of cooperation/networking to establish trust and organize trainings to equip civil society to understand policing and police reform;
- Creating and training of independent human rights ombudsman offices, civilian review boards and other types of civilian oversight and NGOs monitoring bodies;
- Anticipating tensions within the security sector (possibly between military and police) and resistance to change when designing and coordinating reform processes;
- Assessing reforms, behavior of various levels of the police system and civil society.

Source: UNDP's Approach to Security Sector Governance. June 2011; Police Reform and Human Rights. *A Hurist Document. William G. O'Neill.2004;* Security Sector Reform and Transitional Justice A Crisis post Conflict Programmatic Approach. *UNDP 2003;* United Nations Approaches to Security Sector Reform. *Geneva Centre for Democratic Control of Armed Forces.2006;* Police Reform: a determinant of democracy's development. *Tania M. Pinc. 2001;* Supporting Security, Justice, and Development: Lessons for a New Era. *Christopher Stone, Harvard University, Joel Miller, Monica Thornton, and Jennifer Trone, Vera Institute of Justice. June 2000;* Post Conflict Police Reform in South Africa and other African Countries. *National Security Agenda, Sandton Convention Centre. June 2008;* Police Reform from Below: Examples from Indonesia's Transition to Democracy. *Arifah Rahmawati and Najib Azca, Center for Security and Peace Studies, Gadjah Mada University, Indonesia.*

Economic Transformations and Overcoming Economic-Social Differences (Points raised in the forum discussion)

Analysts of democratic transformation processes agree that transitions are characterized by uncertainty of outcome and are usually driven by poor economic factors mobilizing the demand for democratic reform. In addition, it has been recognized that economic performance may suffer during transformation processes adversely affects the reform prospects as witnessed in Egypt and Tunisia. The concern often is that if the economy is not able to meet the demands, the transformation can halt in favor of dictatorship. Hence, there is a need to implement trustworthy economic policies that are in the poor's best interest. In other words, these policies must aim to target the poor and provide them with social protection while providing for sustained economic growth. Accordingly, the overall good economic policies are those resulting in sustainable social policies.

LACK OF CERTAINTY REGARDING ECONOMIC TRANSFORMATION

(points raised in the forum discussion)

Experience indicates that it is not important to focus on the pace of transformation as much as the trend of transformation. Experience also indicates that control of deficit is not readily achievable. Therefore, Chile gave priority to ensuring the success of the transformation process, hoping that deficit control in the long term would have positive impacts on the economy. Chile has succeeded in realizing this by eliminating fruitless policies and needless laws. In order to guarantee justice, the government increased taxes, utilized returns in creating new job opportunities to reduce unemployment, increased support provided to poor families and expanded education. The creation of job opportunities led to

Much anxiety is prevailing in Tunisia. The rates of involvement in the economic activity have decreased in the recent months and productivity levels were affected. Nevertheless, there are always regular and growing demands for raising wages. The question is: how can we respond to these demands in light of the country's available resources? The method of handling corruption, particularly for the private sector, affects economic performance. The ongoing investigations are one of the reasons of the present feeling of insecurity in the private sector. The question here is how to restore public confidence without undermining private sector confidence.

As in relation to security and its impact on the economy in Tunisia, it is known that revolutions are accompanied by lack of security and violence. The Tunisian security authorities have been a part of the dictatorial system, and Tunisia has managed to get rid of a large number of security officials, while the purification process of the security authorities is still under discussion in light of expectations of complete purification. At the same time, there are demands to adequately enhance security, thereby advancing economy and preventing its regression.

The Egyptian economy has witnessed a decrease in growth rate from 7% before revolution to 2% after revolution, as well as an increase in imports' prices- particularly food.

Unemployment rates are rising due to the return of immigrants from Libya. In addition, tourism has deteriorated and direct investment has decreased as a result of the deterioration of the security situation. The stock exchange has also suffered and partisan demands have emerged, particularly those related to minimum wages.

The Egyptian economy suffers three sources of tensions: the tension between the old and new models of development, the tension between popular demands and long term economic development and the tension between economic development and social justice. The "Washington Consensus Model" in Egypt was not understood in a democratic context, which resulted in inequitable distribution of national wealth.

a reduction in the poverty rate from 40% to 20% within few years. In addition, Chile established a strong banking system and imposed strict control conditions on banking transactions.

ECONOMIC REFORM PROCEDURES (points raised in the forum discussion)

Chile presents an exemplary model of how economic reform can support the political transformation process. At that time, Chile's economy was characterized by high unemployment rate, low investment and increased rate of the poor which amounted to 40% of the population, while the inflation rate was about 30%. Chile focused on two main issues: economic growth and social protection and equity. As regards the first issue, Chile stabilized the pillars of growth signing a number of economic agreements with the United States, China, and India in order to open up markets and to be able to compete. In addition, there was a need to take several measures to finance and increase exports, thus, it was necessary to adopt a flexible exchange rate. Chile was also concerned with receiving foreign aid and gave this issue the utmost priority. The other objective was to achieve an economic growth accompanied with justice and develop a responsible financial policy. As in Chile's example, the policies related to these economic growth objectives should be developed by the government rather than imposed by external parties.

In addition, Chile subjected its financial sectors and budget to the control of executive bodies. It exerted considerable efforts in reforming the financial system, which resulted in positive outcomes. Throughout sixteen years of dictatorship, the economic growth rate has been ranging around 3.1% per annum. This rate has tripled since the beginning of the transformation process, which allowed doubling the GDP and reducing the rate of the poor to 3.6%. All this has helped in increasing the domestic demand which helped growth further.

Indonesia adopted a number of procedures which aimed at improving overall economic indicators and preventing capital flight. It also developed economic policies accompanied with concrete procedures to eliminate corruption, passed an anti-monopoly law and formed an independent committee tasked with ensuring clean practices in the business sector with a view to breaking up existing monopolies and preventing new ones from emerging.

JUSTICE, EQUITY AND SOCIAL PROTECTION
(points raised in the forum discussion)

As for social protection and equity, from the very beginning Chile supported low-income households. Also, it developed ambitious programs to promote and improve education, provided breakfast and food for poor students, which encouraged them to attend school, and prolonged the duration of the school day until four o'clock so that students can spend more time in a sound and favorable environment. Furthermore, Chile devoted substantial investments for local health services and planning for housing in large scales.

ECONOMIC GROWTH

Chile
- Adopt an open economy to expand markets through bi- and multi-lateral agreements.
- Support export.
- Implement flexible foreign exchange measures.
- Encourage direct foreign investment.
- Set up public-private infrastructure partnerships.
- Repair and build a sound financial system to manage public debts and regulate banking transactions and increase foreign exchange reserves.
- Support the public sector and fight monopolies.
- Promote medium- and small-sized industries.
- Promote rapid growth of domestic demand.
- Reform the tax system.
- Corruption in selling public sector companies was dealt with on 2 levels: 1) creation of parliamentary investigative committees; 2) development of a system to improve control and make laws, which can guarantee transparency, press control and never tolerate corrupt practices.
- Develop a clear-cut system for accountability, and reform governance for efficient and effective performance.

Indonesia
- Mitigate restrictions on social, political and economic development, and prevent new obstacles.
- Make immediate decisions to improve macro-economic indicators, and reduce investment flight.
- Make policies and measurable procedures to eradicate corruption. Issue an anti-monopoly law.
- Set up an independent committee to ensure clean business practices, to put an end to existing monopolies and prevent new ones.

South Africa
- Anti-corruption policies. The parliament issued an act to investigate and confiscate the properties of corrupt officials and prosecute them

Tunisia
- Decomposition of corruption networks related to the political system, and of financial corruption.
- Investigation of corruption and bribery cases to prosecute perpetrators.
- Anti-corruption and anti-bribery concepts.
- A permanent and independent body was created.
- A law was issued to govern general aspects of corruption and bribery control and to put into place measures for integrity, transparency and individual accountability.
- Change attitudes towards corruption and bribery that have permeated and been culturally absorbed by Tunisian society as matters of fact.

With regards to minimum wages, Chile faced great challenges from conservative groups that argued that the raising of minimum wages would lead to increased unemployment. The reality of the matter was that raising minimum wages did not have any negative impact on the economy, rather Chile's economy started to grow.

There is another fundamental point expressed through Chile's experience, which is that no social development can be achieved without tax reform. A progressive income tax system must be put in place in order to finance social programs. Social programs cannot be put in place with low corporate taxes and low taxes imposed on high income brackets.

In Brazil, there were four challenges to the transition process, three of which were of economic nature, namely: the need to achieve economic stability, economic growth and the problem of inequality. The inequality problem was considered the most difficult and complex of all challenges. This was a growing problem even at a time when Brazil's Gini index was decreasing. This means that

the problem of inequality was not only an economic problem, but it was also a social and political one. Brazil is a society characterized by ethnic pluralism, which is considered one of the reasons for the inequality complexity. Brazil was only able to succeed throughout the rule of Lula because of economic stability.

AN INTEGRATED APPROACH TO DEVELOPMENT
(points raised in the forum discussion)

The state must intervene to regulate markets in order to prevent any misuse of power, as well as protect consumers, support workers during negotiations of their contractual relationship with employers, ensure equitable distribution of the dividends of growth, apply pro poor tax and spending policies, and accommodate citizens in budget and decision-making processes.

It has been said during the forum discussions that the period of transition in Egypt has brought to surface the need to redefine the role and regulate the functions of the private sector, by converting it from a sector where a small minority enjoys all government concessions (80% of the market is concentrated in the hands of a handful of individuals) to a competitive sector able to play a constructive role in the new economy, i.e. to create employment opportunities.

In addition, democratic transitions elsewhere have demonstrated that in order to achieve economic development, it is necessary that special attention is paid to the very low saving rates. Otherwise, a country would have to rely on foreign investment to compensate for weak domestic investments.

Tunisia started implementing something like the Marshall Plan for the expansion of the infrastructure, transportation and technological development and environment friendly energy due to the fact that lack of good governance at the domestic level constitute impediment to economic development.

Morocco has paid special attention to the effective protection of human rights and law enforcement, where you cannot build an economy that responds to the needs of people without them. Some of Morocco's problems lie in water scarcity and the low level of health and education offered to people. Also, poverty is concentrated in certain regions. Morocco has planned and implemented the program "National Initiative for Human Development" in response to these problems. It is a program that puts human beings at the center of the economic attention.

Furthermore, economies during transition have had to pay attention to trade. Moreover, some have asserted that as exemplified by other transitions, all stakeholders must fully comply with the investment laws and international conventions to which the state has committed itself because reviewing such laws and agreements would hinder economic growth, sending signals of instability. Given that the laws and the existing economic institutions did not develop over a short period, several years are required to improve and make them more transparent.

There is also an urgent need for investment in human capital, especially among the poor. This necessitates providing proper and decent opportunities for productive employment and the development of entrepreneurial skills. As expressed by several international speakers, the development of social policies ensures an immediate payoff, especially in the fields of education, health and housing.

Moreover, there is a need to confront corruption and to identify and investigate those involved in a manner that does not threaten the economy and works to

promote the expansion of employment opportunities, and not to scare investors or discourage companies contributing to the economy.

Some have argued that it is undesirable to be too much concerned with the public debt, whether internal or external. An immediate return to (at least) the economic performance levels which had prevailed before the revolution is vital.

POPULAR PARTICIPATION AND EQUALITY IN ECONOMIC POLICIES
(points raised in the forum discussion)

South Africa represents a unique historical and human experience, where the differences prevailing in terms of the interaction between race and the economy constituted a major obstacle in the face of democratization. In apartheid South Africa, jobs, wages and even dreams of the future were determined according to the color of the skin. Most of the black majority lived in rural areas and slums creating "psychological" Ghettoes. Accordingly, the main challenge in South Africa was how to make people participate in shaping their future. This imbalance was accompanied by an economy that faced blockades resulting from the global campaign to isolate the apartheid regime. The economy was suffering from a clear tendency of monopoly by the private sector. In addition, the public sector was very strong, unemployment was rampant and there was a shortage in skills and skilled laborers. Communities were living in tribal arrangements so fragmented that there were 14 different educational systems. Right sizing in the education sector proved difficult given the tribal context.

All of the foregoing refers to the huge challenges faced by a country such as South Africa, add to that the structural reform was proceeding according to the prescriptions of the World Bank, but did not succeed. There is no country in the world today that can achieve development without creating job opportunities. South Africa stressed on communicating with the people to involve them in development programs. South Africa has also taken measures against the marginalization of young people because they can raise a lot of problems for any regime, if not properly included.

REGIONAL FACTORS AND THEIR IMPACT ON ECONOMIC PERFORMANCE IN TRANSITION **(points raised in the forum discussion)**

The conflict in Libya adds another dimension to the security problem in both Egypt and Tunisia. With the return of migrants who were working in Libya, unemployment rates in both countries have increased. Tunisia received large numbers of refugees from neighboring countries and the region and also from other countries like Eritrea, Sudan, Egypt, India, Bangladesh, etc.). All these factors put more pressure on the Tunisian economy, which is already suffering from security threats. The discussion pointed towards the need for regional and sub-regional integration.

SOCIAL JUSTICE AND EQUITY POLICIES IN BRAZIL AND CHILE

Brazil	• Policies for re-distribution of income.
	• Increased government expenditure.
	• Affirmative action policies.
Chile	• The government has to exercise its powers with this in mind: 'Democracy has to achieve'. In this context, Chile adopted the motto of 'Growth with Justice'.
	• Policies for better distribution of income.
	• Equal opportunities for all.
	• Support for low income families, not individuals.
	• Expanded education for investment in human capital.
	• Breakfast and lunch meals for students, to keep poor students in the education system.
	• Longer school day.

Overarching Lessons Shared

- All guests repeatedly affirmed that they can share experiences but solutions must be home grown;

- In transitions, there are typically thousands of issues to be addressed, prioritization is paramount;

- Time is crucial:
    - To address uncertainties during the transition period, the creation of large scale changes in the shortest time possible was beneficial(Habibie);

- Involving people as participants in the building of their lives (Maharaj):
    - It is important, during the transition period, to be inclusive of all political and social players in a country and to create this platform for national dialogue;

- Unity essential for creating peace and prosperity; unity does not negate diversity it defines common grounds among ideologies and beliefs;

- Women are essential partners in building the country (Bachelet):
    - Including women at all levels of the political and economic sector was critical in creating gender equality and in moving the nation forward;

- Youth are a positive agents of change (Nava):
    - Creating space for youth to be a part of the decision making process on political and economic policy will ensure their needs are met and will legitimize actions;

    - Ensuring a generational change to consolidate the achievements of transitions.

- Political parties have a crucial role to play in building consensus, brokering political compromises and encouraging national dialogue;

- There is a relationship between social inequality and political insecurity- peace, economic justice and democracy go together. Promoting equality can be good for growth.

Annex

COUNTRY PROFILE: ARGENTINA'S RETURN TO CIVILIAN RULE

Duration of transition

From the time the military ousted Argentina's constitutional government in 1943 to return of a democratically elected president, the leader of the radical party, Raul Alfonsín in 1983.

Context

The mix of a dire economy and failing political system in addition to the 1982 defeat to seize the Falklands/Malvinas Islands from the UK discredited the Argentine military regime. Fiscal deficits, inflation reaching 300% and tripling of external debt (within three years)[3] mixed with increasing charges of corruption and human rights abuses left the public frustrated and angry. The military regime, with limited choices, was forced to lift "bans on political parties and gradually restore basic political liberties."[4]

Transitional Justice

The military regime was known for its atrocious human rights abuses and its security forces' abductions of an estimated 10,000-30,000. To save itself from prosecution, "before democracy was restored, the military granted itself immunity from prosecution and issued a decree ordering the destruction of all documents relating to military repression."[5] The government of Raul Alfonsín overturned military self-amnesty and created the National Commission on the Disappearance of People (CONADEP), whose task was to respond to civil society's demands for truth regarding these crimes of the former government. This decree was pre-empted by the Decree 158/93 on December 12, 1983, which called for the prosecution of the first three military *juntas* before the Supreme Council of the Armed Forces (CONSUFA). With these trials, the government hoped that the armed forces would carry out their own process of internal "cleansing."[6]

In April 1985, the Juntas were tried in the court of appeals of Buenos Aires applying national criminal law; in December, and only after 18 months after losing power, 9 heads of the military junta were convicted, 5 of them former presidents, in "a major landmark trial."[7] However, the reforms were reversed in the 90s. Though this process had given credibility to those families of victims to seek justice, President Alfonsín' successor granted presidential pardons. The military had staged uprising against the democratic government and managed to bring the government to enact "Full Stop and Due Obedience laws" in 1986 and 1987, which gave blanket amnesty and the end of hundreds of investigations.[8]

3 J. Onno de Beaufort Wijnholds. The Argentine Drama: A View from the IMF Board. Retrieved from the World Wide Web: http://www.fondad.org/uploaded/Argentina/Fondad-Argentina-Chapter7.pdf

4 Retrieved from the World Wide Web: http://www.state.gov/r/pa/ei/bgn/26516.htm

5 Leonardo Filippini. Criminal Prosecutions for Human Rights, Violations in Argentina. ICTJ Briefing. 2009. Retrieved from the World Wide Web: http:// http://ictj.org/sites/default/files/ICTJ-Argentina-Prosecutions-Briefing-2009-English.pdf

6 Impugnacíon Procedures in Argentina

7 Leonardo Filippini. Criminal Prosecutions for Human Rights, Violations in Argentina. ICTJ Briefing. 2009. Retrieved from the World Wide Web: http:// http://ictj.org/sites/default/files/ICTJ-Argentina-Prosecutions-Briefing-2009-English.pdf

8 ibid

However, the Argentinean human rights movement continued to fight for justice and in 2001, the reforms were re-reversed as the Full Stop and Due Obedience laws were found "unconstitutional for being incompatible with Argentina's international obligations under the human rights treaties, the National Supreme Court affirmed the Federal Court of Appeals' validated the Law 25, 799. In 2007, the Supreme Court also deemed the presidential pardons unconstitutional.[9]

Constitutional Reform

During the first years, the new government appointed a presidential commission in 1985 to prepare a proposal for constitutional reform. A few years later, the proposal called for "constitutional change aimed at reformulating the democratic foundations of the historical constitution." Therefore, though reform would preserve the continuity of the constitution of 1853, it had implications of a deep revision "of almost all [of Argentina's] central institutions." Authoritarian provisions from legal codes were removed and the prestige of the judiciary as a protector of the constitution and individual rights was restored.

Judicial Reform

Initial plans to reform the judicial system began with transforming the penal procedure, however it failed to flourish and as a result opened space for "less ambitious changes" as the new government began to "investigate crimes in the hands of judges (*jueces de instrucción*) and cancelled a transition to the use of juries." Another step to reform the judicial system included removing judges associated with the military regime and reinstating judges illegally removed during the regime.[10]

9   ibid
10   Judicial Reform in Latin America, An Assessment, Peter De Shazo, Juan Enrique Vargas. CSIS. Policy Papers on the Americas Volume XVII, Study 2. 2006

COUNTRY PROFILE: BRAZIL'S TRANSITION TOWARDS DEMOCRACY

Duration of Transition

Lasted from the time of the military coup d'état in 1964 to the democratic election of a new President in 1985.

Context

Though Brazil was by military rule, it had maintained significant institutions of typical of liberal democracy. Though repressed, parties and congress functioned during military rule. In addition to parties, elections to a certain degree and a constitution existed during the military rule. The continuing existence of democratic institutions proved significant in the transition process. In 1965, the government created the opposition party, and though the opposition had difficulties voicing out during 1969-1974, it became increasingly independent after 1974 as the military allowed for competitive elections hoping to establish its own legitimacy. There were constant struggles between opposition and military rule from 1974-1983 as the opposition pushed towards democracy and the regime pushed to control liberalization.

Economic liberalization, brought about by the military rule, is said to have played a role in setting the stage for a transition to democracy. "The Brazilian economy was one of the fastest growing in the world from 1967-1974."[11] The regime, trying to control liberalization, closed congress to disseminate new electoral legislation that allowed the government to maintain control of the Senate in the 1978 elections. However, as the political arena opened in 1978, opposition demanded restoration of civil liberties and reform of the 2-party system, and though the regime responded, party reform resulted in the dissolution of the opposition party. In parallel, popular movements resurged between 1977 and 1980. A severe recession began in 1980. Numerous associations and local movements emerged and demonstrated across the country. Though the government responded with repression, there were degrees of concessions; for example, reforms made by the government included wages in favor of the poorest workers.

In the 1982 elections, the opposition won most of the governor seats of the major states accounting for 60% of Brazil's population and 74% of the country's GDP. The regime lost its ability to control presidential successions and in 1984 the massive push for presidential elections was underway. In 3.5 months there were hundreds of demonstrations across the country demanding for presidential elections. The government managed to fend off the calls for direct elections by instituting an electoral college, in which congressional delegates and state assembly members voted for the president. However, the massive public demonstrations helped split the government party. Many of the government's supporters in the Electoral College defected and voted with the opposition defeating the official government candidate for president in 1984. The Electoral College instead chose Tancredo Neves, the governor of Minas Gerais and one of the important leaders of the opposition, to become Brazil's first civilian president in January 1985 after 21 years of military rule.[12] Neves, who was 74, fell ill on the eve of his scheduled inauguration in March 1985 and died in late April, before he could assume office, his Vice President, Jose Sarney was sworn in as president.

Stages of Actors

The stage of transition to a liberal-democratic regime is led by the Sarney Administration: 1985-1989. The labor union played an instrumental role in bringing an end to military rule.[13]

Process of Constitutional Reform

The Congress elected in November 1986 drafted a new constitution that went into effect in October 1988. The constitution's provisions gave wider power to the legislature and decreased the influence of the executive branch, granted more tax revenues to the states and municipalities, and extended the vote to 16-year-olds. It eliminated the Electoral College established by the military regime and allowed Brazilians to vote directly for president.[14]

[11] Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues Scott Mainwaring

[12] ibid

[13] Adriano Nervo Codato. A Political History of the Brazilian Transition from Military Dictatorship to Democracy. Universidade Federal do Paraná

[14] J. Esteban Montes and Tomás Vial. The Role of Constitution-Building Processes in Democratization. Case Study: 2005. Retrieved from the world wide web: http://www.idea.int/conflict/cbp/

Sequence of Events[15]

Phase 1: *Constitution of the military dictatorship* (Castello Branco and Costa e Silva administrations)

Stage 1: March 1964 (coup d'état) – October 1965 (political parties abolished8)

Stage 2: October 1965 (indirect elections for the President of the Republic are established) – January 1967 (new Constitution)

Stage 3: March 1967 (Costa e Silva takes presidential office) – November 1967 (armed struggle begins9)

Stage 4: March 1968 (beginning of student protest) – December 1968 (increased political repression10)

Phase 2: *Consolidation of the military dictatorship* (Costa e Silvae Medici administrations)

Stage 5: August 1969 (Costa e Silva takes ill; a military junta takes over the government) – September 1969 (Medici is chosen as President of the Republic 11)8

Stage 6: October 1969 (new Constitution) – January 1973 (ebbing of armed struggle)

Stage 7: June 1973 (Medici announces his successor) – January 1974 (indirect congressional election of President Geisel)

Phase 3: *Transformation of the military dictatorship* (Geisel government)

Stage 8: March 1974 (Geisel takes office) – August 1974 (politics of regime transformation announced)

Stage 9: November 1974 (MDB victory in Senate elections) – April 1977 (Geisel shuts down the National Congress)

Stage 10: October 1977 (dismissal of head of the Armed Forces) – January 1979 (Institutional Act no. 5 revoked)

Phase 4: *Decomposition of the military regime* (Figueiredo government)

Stage 11: March 1979 (Figueiredo takes office) – November 1979 (extinction of the two political parties, ARENA and MDB)

Stage 12: April 1980 (workers strike in São Paulo) – August 1981 (Golbery leaves the government)

Stage 13: November 1982 (direct elections for state governorships; opposition becomes majority in the House of Representatives) – April 1984 (amendment for direct elections defeated12)

Stage 14: January 1985 (Opposition wins in Presidential elections) – March 1985 (José Sarney takes office13)

[15] ibid

Phase 5: *Transition – under military tutelage – to a liberal democratic regime (Sarney administration)*

Stage 15: April/May 1985 (Tancredo Neves dies; constitutional amendment reestablishes direct presidential elections) – February 1986 (the *Plano Cruzado* to combat inflation is announced)

Stage 16: November 1986 (PMDB victory in the general elections) – October 1988 (new constitution is promulgated)

Stage 17: March 1989 (beginning of campaigning for the upcoming presidential elections) – December 1989 (Collor de Mello elected president)

Phase 6: *Consolidation of the liberal-democratic regime (Collor, Itamar Franco, and Fernando Henrique Cardoso administrations)*

Stage 18: March 1990 (Fernando Collor de Mello takes presidential office; economic plan – *Plano Collor I* – announced) – January 1991 (*Plano Collor II* is announced)

Stage 19: December 1992 (President Collor is *impeached*. Vice president Itamar Franco takes over as President of the Republic) – July 1994 (economic plan, the *Plano Real* is announced)

Stage 20: January 1995 (Fernando Henrique Cardoso takes office as president) – June 1997 (amendment approving reelection to a second term as President of the Republic and for heads of state and municipal governments is approved)

Stage 21: January 1999, (Fernando Henrique Cardoso begins his second term in office) – October/November 2000 (opposition parties are victorious in municipal elections throughout the country)

Stage 22: July 2002 (presidential campaigning begins) – January 2003 (Luis Inacio Lula da Silva takes office as president)

COUNTRY PROFILE: CHILE'S PATH TO DEMOCRACY: A TRANSITION BY AGREEMENT[16]

Duration of Transition

The first wave of protest occurred in 1983 and in 1988 the electorate rejected Pinochet's bid to remain in power, which lead to the elections that were held in 1989 (electing Christian Democrat Patricio Aylwin) under the electoral rules established in the 1980 Constitution.

Context

Politically, society had deeply rooted democratic and law-abiding political culture. A coup by Pinochet ended its long tradition of constitutional government. Therefore, society resented being under military rule for well over a decade. Economically,

[16] Political Sociologist Juan J. Linz coined the term "transition of agreement" to identify 's transition experience.

despite Pinochet government's macroeconomic policies that had placed Chile on a sound fiscal footing, economic transformation bypassed many poor and middle-class families. In 1982, an economic collapse led to massive social protests and the opposition leaders pressed the armed forces to negotiate an immediate transition in 1983. However, only limited political concessions were managed. Two years later, 11 groups including prominent conservatives signed the National Accord for a Return to Full Democracy, but the accord collapsed as most of the conservatives backed Pinochet.[17] Until 1988, opposition leaders continued to reject the plebiscite formula and demanded free and open elections. The state of emergency was finally lifted in August 1988, and in October Chileans held a plebiscite on whether Pinochet's term should be extended to 1997. 55 percent of the electorate voted no. The opposition had remained under military control for another 17 months, and there were major demands for constitutional reforms before the election of a new government.

Actors

"Political parties formed two broad coalitions for the 1988 plebiscite. In the opposition, the Christian Democratic Party (PDC), Socialist Party (PS) and several other small left and centrist parties formed the *Concertaciónpor el No,* which evolved in 1989 into *the Concertaciónpor la Democracia*. The *Concertación* defeated General Pinochet in the 1988 plebiscite, won the 1989 elections and has won every national election since 1988. The parties that supported General Pinochet in the 1988 plebiscite formed an alliance called *Unión por (Unión)*."[18]

Constitutional Reform

The opposition pushed for constitutional reform as a necessity before elections. Constitutional negotiations were delicate and arduous. There was a stalemate on the amendments to the constitution as some of the Junta members who believed in the need to negotiate with the opposition and with government moderates disagreed with the old regime's hard-liners. The impasse was broken and a joint study by Renovación and anti-regime lawyers proposed a series of reforms and entered negotiations. A compromise was agreed upon after the top military official intervened and Pinochet was forced to relent. The final package of reforms, which was easily approved by voters in a referendum on July 30, met many of the opposition's major concerns. The ban on Marxist parties was reduced to a prohibition on groups that used political violence, the size of the Senate was increased to compensate for the appointment of some members, the National Security Council's power was reduced to a purely advisory status, and some provisions protecting human rights were strengthened. The most significant change was one that made the constitution easier to amend, requiring only a one-time, two-thirds legislative quorum, thus improving the opposition's chance of further modifying Pinochet's charter if it won a majority in Congress.

[17] Mark Falfoff: The Dilemma for Foreign Policy. Foreign Affairs 1986. Retrieved from world wide web: http://www.foreignaffairs.com/print/40809

[18] Incumbency in the an Parliament: Continuities and Change by Patricio Navia, NYU 2000

Electoral Management

There was 14-month lag between the plebiscite and elections during which opposition parties worked to build organizations, select candidates for president and 158 congressional seats, and prepare voters for the first democratic contest in Chile since 1973. Chile adopted a new electoral system after the 1988 plebiscite. Known as a binomial system, the new electoral system is an Open List Proportional Representation system with a district magnitude of 2.

Transitional Justice

The creation of the National Truth and Reconciliation Commission was one of the first major decisions made by the newly elected president. An attorney headed eight-member commission was mandated "to clarify the whole truth on the most serious violations of human rights" during the military rule.[19] The commission collected more than 3,400 cases of human rights abuses to investigate and produced a three-volume, 2,000-page document known as the Rettig Report. Initially silent, the armed forces responded with its own four-volume Chile report. In 1992, the National Corporation for Reconciliation and Reparation continued the work of the Rettig commission. It concluded in 1996 that 3,197 people died or disappeared between September 1973 and March 1990 at the hands of state agents. Of these, 1,102 were classified as "disappearances" and 2,095 as deaths."[20]

COUNTRY PROFILE: INDONESIA IN 1998 – TRANSITION THROUGH REFORMASI (REFORM)[21]

Duration of transition

From the beginning of East Asian Financial crisis in 1997, then Suharto resignation in 1998 (after 3 decades in power), the first democratic elections in 1999.

Context

The East Asian Financial Crisis of 1997-1998 provided the backdrop to the dramatic events that culminated in the unseating of the country's president of 32 years, Field Marshall (ret) Soeharto. While each country in the region was affected, Indonesia was the most damaged. After 30 years averaging 7% growth, the economy in 1998 contracted by 15%, inflation rose from under 10% to 70%, the currency collapsed and the US$ value of Indonesian shares collapsed 90% all in less than 1 year. As citizens watched with increased fear as their savings, investments and jobs disappeared, they focused attention on why Indonesia was so badly affected. Clear culprits soon emerged. Rampant corruption, collusion and nepotism combined with malfunctioning institutions of democratic accountability notably an unfree press, rigged elections, pliant legislature, corrupted judicial system, over-centralised systems of government, politicised and unaccountable bureaucracy, an effective absence

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[19] Retrieved from world wide web: http://www.washingtonpost.com/wp-srv/inatl/longterm/pinochet/overview.htm

[20] ibid

[21] This note was put together by Kevin Evans, independent consultant & expert on Indonesian politics.

of political contestation, military engagement in active politics and circumscribed role for civil society and general lack of freedom of association. Each of these weaknesses subverted trust in the public domain, leaving the country profoundly exposed to a flight of confidence (and capital). The broad agenda of change to redress these problems was termed *Reformasi* (Reform).

The regime was unable to respond to the economic crisis. In the middle of the crisis the President was re-elected unopposed for yet another 5 year term. The Cabinethe announced soon after demonstrated self-destructive levels of nepotism and cronyism. At this point the press rebelled giving full and favourable coverage to all manner of public protest. Public protests grew larger and increasingly impossible for the undersized security forces to contain. Demonstrations were led by students some with active support of their academic leaders with other components of society soon joining. The mass Islamic organisations, whose leaders grew to play leading roles as advocates of the democratic transition also became active. The military hesitated to use violence against an increasingly determined mass of citizenry, although there were splinter groups within the military more willing to try the old ways. Within 2 months of appointing his Cabinet, most factions and evenlong-time loyalists, including the military, began to disengage. He was left finally with no option but to resign.

At this point many key features of the Indonesian transition began to manifest. While some radical students called for a revolution, most other groups and leaders chose to commit to the constitutional process. This included allowing the constitutional Vice-president to assume the presidency and remain there until duly organised elections were conducted. In response the new President set about responding to the *Reformasi* agenda by proposing some major changes to the country's political laws. On the economic front the country remained committed to meeting its international obligations, despite its extraordinary economic circumstances. The country was simply too engaged with the global economy to withdraw. Donors responded with substantial offers of aid, including on support for democratic governance reforms.

Legislative Reform

The legislative reform agenda used the pre-existing arrangements in which Government drafts were debated by the same parliament that had just re-elected Soeharto. The laws that would govern the 1999 elections were passed 8 months after Soeharto resigned, and the first democratic elections in over 40 years took place 4 months later. Most reforms were directed at electoral management with a view to guaranteeing free and fair elections. The essentials of the electoral system were only reformed in the lead up to the 2004 elections.

New actions and elements emerging during transition

Many changes took place before formal change to laws. There was an explosion of new publications and no attempt at controlling them by the government. There were also new parties being established; at one point one every 2 days.

Again there was no government attempt to interefere or apply laws that would soon be replaced. By the time of the elections numerous Islamist, Christian, workers, women and all manner of blended type parties were established with 48 meeting the modest regulatory requirements to compete in the 1999 elections. There was also a mushrooming of new civil society organisations and movements. Assorted new professional organisations were established.

Constitutional Reform

Reform to the Constitution began after the 1999 elections. Again the process adopted was one that followed the processes contained within the established Constitution.The *Majelis Permusyawaratan Rakyat,* People's Consultative Assembly (MPR), adopted an evolutionary approach, revising the Constitution through slow, step-by-step amendments. Over the next three years further amendments were passed which established a clearer separation of powers between the executive, legislature and judiciary, and more impressive human rights protections. This is because the euphoric transitional period provided a setting that encouraged open constitutional debates in the MPR and allowed public participation in these debates, despite the flaws in the MPR's system for public engagement.[22]

Transitional Justice

Demonstrations by assorted groups of citizens did not stop with the resignation of President Soeharto. Demonstrations continued to be frequent events until the end of 1999, about 18 months after Soeharto's resignation.Action against corruption was slower with the former President only facing court briefly 2 years after his resignation and never being incarcerated. When his case was dismissed (too old and sick to be prosecuted), he lived the remainder of life as a quiet recluse in his family home in Central Jakarta. Other cases of corruption were prosecuted but became more systematic only 5 years after Reformasi began once a new anti corruption commission and special anti-corruption court system were established and became operational.

COUNTRY PROFILE: MEXICO TRANSITION TO DEMOCRACY

Duration of Transition

Mexico's transition has been a gradual process, and though a "first revolution" took place from 1910-1917, followed by a period of political instability, in 1929 the formation of National Revolutionary Party (PNR) held to power for 7 decades (though its name changed over the years). Mexico, post-revolution, was still considered a "soft" authoritarian state with the Mexican President consolidating power at the executive, legislative and judicial levels.

Therefore, the transition to democracy from a post-revolutionary authoritarian state began in the 1970s with electoral and legislative reforms and ended with party

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[22] Indonesian Constitutional Reform 1999-2002. An Evaluation of Constitution Making in Transition D. INDRAYANA, KOMPAS Book

rotation in the presidency, ending seven decades of one-party rule, with the election of Vicente Fox in July 2000.

Context

Mexico's transition to democracy has been a long process and though they regularly held presidential and congressional elections since 1920, the state was dominated by one party, PNR (changing its name to PRI in 1945), for the most of the 20th century.[23] "The leaders of the Mexican political regime in the late 1970s sought to open spaces for political participation to adjust the political system to a rapidly changing and increasingly restless society."[24] Due to a series of electoral reforms in 1977 (and in 1986) that created the conditions for freer and fairer elections, a redistribution of power evolved as various party members were elected to significant state and local positions in the 1980s forcing a gradual opening of the political system.[25] By the 1990s, "mayors, state congresses, governors, and the Senate were institutional driving forces for democratic transition."[26] Finally, in 1997 PRI, for the first time, lost the majority in the House of Deputies.[27] Therefore, it is recognized that the Mexican transition spanned from 1977-2000.

Mexico's transition occurred in the backdrop of profound economic crisis and political crisis.[28] There was highly skewed pattern of economic growth and growing political tension which was further fueled by the government's violent repression of a student movement 1968. Though there was unprecedented annual growth rate of 8 percent as a result of the "discovery of abundant oil reserves and the access to foreign credit" from 1979-1982, the situation soon spiraled down dramatically.[29] The worst economic crisis in Mexico's recent history hit in 1982 where oil prices fell, world interest rates rose, and inflation reached 99%, the peso was overvalued, and the government defaulted on debt repayments.[30] The dire economic circumstances were met with the worst natural disaster in Mexico's modern history in 1985 when two major earthquakes hit leaving between 5,000 and 10,000 dead and 300,000 homeless.[31] Public confidence in the government had already suffered over the years following the violent repression of the student movement, but further plummeted with the government's inability to react to the economic and natural disasters creating a tense political atmosphere.

Actors

In transition period, the ruling party, PRI lost power and held on to a minority of seats in the Chamber of Deputies (the lower house of Congress). The left-wing Party of the Democratic Revolution (Partido de la Revolución Democrática—PRD) took control of Mexico City's government. The center-right National Action Party (Partido de Acción Nacional—PAN) candidate won the historic presidential race.

[23] Retrieved from http://balma-socialstudies.com/Content/Textbook%20World%20History/35-1.pdf
[24] Chapter VIII Multiple arenas of struggle: Federalism and Mexico's Transition to Democracy1 Enrique Ochoa - Reza
[25] Transition In Mexico By Jorge Alcocer
[26] Chapter VIII Multiple arenas of struggle: Federalism and Mexico's Transition to Democracy1 Enrique Ochoa - Reza
[27] Transition In Mexico By Jorge Alcocer
[28] International Influences in the Mexican (Failed and Successful) Transition to Democracy; Alberto Diaz-Cayeros University of California, San Diego and Beatriz Magaloni, Stanford University
[29] MEXICAN BUSINESS AND THE STATE thePOLITICAL ECONOMY OF A "MUDDLED" TRANSITION Blanca Heredia Working Paper #182 - October 1992 p.11
[30] MEXICAN BUSINESS AND THE STATE thePOLITICAL ECONOMY OF A "MUDDLED" TRANSITION Blanca Heredia Working Paper #182 - October 1992 p.11
[31] http://www.nationsonline.org/oneworld/History/Mexico-history.htm

Process of Constitutional Reform/Electoral System Reform

The government passed the Constitution of 1917 following the revolution.

Constitutional Electoral reform took place in 1977 and included three constitutional provisions that opened new spaces for political contestation. Congress also approved the Federal Law of Political Organizations and Electoral Processes (LOPPE) on "initiating (in retrospect) the Mexican transition to democracy."[32] In addition to these reforms, three constitutionally embedded conditions were included that created conditions for free and fair elections.[33]

COUNTRY PROFILE: THE DEMOCRATIC TRANSITION IN SOUTH AFRICA[34]

Context

The resilience and intensification of the struggle against apartheid both at national and global level, including economic sanctions, resulted in a negotiated settlement process in the 1980s. In addition to the regime being isolated, the South African economy was starting to show signs of collapsing, and the international pressure was mounting. Engagement between the parties (the anti-apartheid movement led by the African National Congress (ANC) and the apartheid regime) was largely characterized by violence and repression with little direct dialogue on a political solution. On the other side, the African National Congress had embarked on an armed struggle to end apartheid but had indicated openness to a peaceful and negotiated transition.

Sequence of events

Several organizations, in particular civil society, started to engage with individuals in both the ANC and the National Party (NP) on a possible negotiated settlement for South Africa. These initiatives also resulted in improved communication bridges and trust between the main parties. These negotiations with key individuals on both sides resulted in meetings between the two parties to explore possibilities of a negotiated settlement. In 1988, F.W. De Klerk was elected as the leader of the NP and head of state, and he was committed to bringing political changes. His appointment, a year later in 1999, coincided with the decision of the Mass Democratic Movement (MDM) resolution on engaging the state for a negotiated settlement. The MDM was a coalition of anti-apartheid organizations. In 1990, F.W. De Klerk announced the unbanning of political parties, and the release of their respective leaders, including the ANC leadership in both Robben Island and exile, so that negotiations can start.

Composition of the transitional bodies

The two main actors in the negotiation process were the ANC and the NP, but there were many other political formations that had to be represented in the negotiation process for it to be credible, inclusive and reflective of the political demographics of South Africa.

32 Chapter VIII Multiple arenas of struggle: Federalism and Mexico's Transition to Democracy1 Enrique Ochoa - Reza

33 Chapter VIII Multiple arenas of struggle: Federalism and Mexico's Transition to Democracy1 Enrique Ochoa - Reza

34 With thanks to the UNDP Regional Centre in Johannesburg for preparing this note for the International Forum in Cairo June 2011.

The multi-party negotiations started by agreeing on the guiding principles of the negotiation process, including some key components of the envisaged democratic Constitution. A convention for a Democratic Africa (CODESA) comprising more than 19 parties and 400 negotiators participated in the process, which included civil society and the business sector. The National Peace Accord (NPA) was also signed by participating parties and formations committing themselves to end political violence, especially during the negotiation process. The NPAs were also established in different provinces to oversee the process and deal with any possible political violence. Several significant violent incidents (including the assassination of Chris Hani) threatened the negotiation process and brought the country to the brink, but the leadership called for calm. The transitional government was then established, of which its main task was to develop a transitional Constitution.

Elections and New Constitution

In 1994, the first non-racial and democratic elections took place within the framework of the transitional Constitution. A new Parliament was inaugurated and its main task was to develop the new Constitution, which was adopted two years later in 1996.

Transitional Justice

The Truth & Reconciliation Commission (TRC) was established to facilitate a process of accountability for human rights violations and national reconciliation to strengthen the new democratic dispensation. The thrust of its mission was more on reconciliation taking into consideration South Africa's past divisions and inequalities. TRC focused on human rights violations, reparation, rehabilitation & amnesty and proved to be an important mechanism for managing the historical tensions in a systematic and peaceful manner. The success of the TRC was also attributed to its transparency and the strong and trusted moral leadership of its leadership in the form of Bishop Desmond Tutu.

Economic Policies

The new government developed the Reconstruction & Development Programme (RDP) as a socio-economic framework to address the inequalities and imbalances created by apartheid, but most importantly, to alleviate poverty and address the shortfalls in service delivery. RDP also focused on measures to boost the economy, such as containing fiscal spending, lower taxes, reduction of government debts, and trade liberalization. The country did not experience any labor actions or disputes during the transition period because most of their unions demands were covered within the emerging compensation framework, in particular the economic justice component.