

# POLITICAL PARTIES IN CONFLICT-PRONE SOCIETIES

REGULATION, ENGINEERING AND DEMOCRATIC DEVELOPMENT



EDITED BY BENJAMIN REILLY AND PER NORDLUND

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# Political Parties in Conflict-Prone Societies: Regulation, Engineering and Democratic Development

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Edited by Benjamin Reilly and Per Nordlund

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Part I

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Introduction

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# 1

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## Introduction

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*Benjamin Reilly*

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Political parties have long been recognized as essential components of representative democracy. Indeed, it is difficult to imagine how the governance of modern states could be accomplished without meaningful political parties. By organizing voters, aggregating and articulating interests, crafting policy alternatives and providing the basis for coordinated electoral and legislative activity, well-functioning political parties are central not just to representative government but also to the process of democratic development in transitional democracies.<sup>1</sup>

Parties perform a number of essential functions that make democracy in modern states possible. Ideally, they represent political constituencies and interests, recruit and socialize new candidates for office, set policy-making agendas, integrate disparate groups and individuals into the democratic process, and form the basis of stable political coalitions and hence governments. Collectively, this means that political parties are one of the primary channels for building accountable and responsive government.

Beyond these functional activities, parties also provide a number of deeper, systemic supports that help make democracy work effectively. For instance:

- They mediate between the demands of the citizenry on the one hand and the actions of the government on the other, aggregating the diverse demands of the electorate into coherent public policy.
- They make effective collective action possible within legislatures. Without the predictable voting coalitions that parties provide, there would

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be chaos as legislative majorities shifted from issue to issue and vote to vote.

- By providing a link between ordinary citizens and their political representatives, parties are also the primary channel in democratic systems for holding governments accountable for their performance.

Yet in many countries, particularly in transitional democracies, parties struggle to play these roles. Instead, parties exhibit a range of pathologies that undercut their ability to deliver the kind of systemic benefits on which representative politics depends. For instance:

- they are frequently poorly institutionalized, with limited membership, weak policy capacity and shifting bases of support;
- they are often based around narrow personal, regional or ethnic ties, rather than reflecting society as a whole;
- they are typically organizationally thin, coming to life only at election time;
- they may have little in the way of a coherent ideology;
- they often fail to stand for any particular policy agenda;
- they are frequently unable to ensure disciplined collective action in parliament, with members shifting between parties;
- as a result, parties often struggle to manage social conflicts and fail to deliver public goods and thus to promote development.

These deficiencies in party development are so widespread that they have become a central concern in many emerging democracies, to the extent that they are increasingly seen as a threat to stable democracy itself. The recognition of such impediments to democratic development has spurred growing attention, both domestically and internationally, to how stronger, more capable political parties can be sustained and developed in fragile environments.

Internationally, the response by Western governments to this problem has been a plethora of party assistance programmes that seek to help political parties in new democracies become stronger, more coherent and more inclusive organizations – that is, more like the idealized view of how parties are supposed to operate. These programmes have received considerable funding from donor agencies and generated a considerable number of new training programmes and other initiatives. But these have had limited impact, rarely if ever transforming the fundamental organizational and operational characteristics of recipient parties.<sup>2</sup>

Domestically, a rather different response has been evident, with political elites in transitional states often seeking to influence their party systems by reforming the rules of the game regarding how parties form, organize and compete. These forms of party regulation and engineering represent an increasingly widespread and ambitious attempt to shape the nature of emerging party systems. For instance, a number of emerg-



ing democracies have placed restrictions on ethnic or other sectorally based parties, up to and including banning them from competing at elections. Others have introduced positive incentives for cross-national party formation, by introducing regional branch or membership requirements for parties to compete in elections. Some have introduced cross-national support thresholds or other kinds of spatial rules. Many emerging democracies use electoral systems to try to shape the development of their party systems, and a small but increasing number have also introduced rules governing voting in parliament as well, in an attempt to ensure greater party discipline. Finally, international organizations have become increasingly active in this field, intervening directly in party systems in post-conflict states such as Mozambique, Kosovo and Afghanistan.

This book is an examination of these various efforts in emerging democracies to influence party system development. It analyses the different regulatory and engineering strategies and innovations that have been applied in fragile new democracies. The individual chapters range across both thematic enquiries and regional case studies, and cover issues of concern to both scholarly research and public policy. What binds them together is a common focus on the trends towards overt and often highly ambitious forms of party regulation and political engineering in developing democracies. Although a worldwide phenomenon, these attempts to shape the path of political party development have been particularly prevalent in new democracies that contain ethnic, religious, linguistic, regional or other significant social cleavages – in other words, what we call “conflict-prone societies”.

The story of this new enthusiasm for party system reform begins, like so many other recent developments, in the dramatic changes to the world since the end of the Cold War. The “third wave” of democratization and the collapse of communism resulted in a threefold increase in the number of competitive democracies around the world.<sup>3</sup> As these new and emerging democracies introduced competitive elections, drafted new constitutions and forged new political systems, there was a tremendous upsurge of interest in new institutional designs for democracy. Spurred by the liberalization of previously autocratic states in Africa, Asia, Eastern Europe and Latin America, the international community began to invest heavily in concepts of democracy promotion, electoral support and “good governance” as essential elements of economic development and the creation of stable and peaceful states.

The 1990s thus saw an explosion of interest in the possibility of party regulation and political engineering, as institutions were borrowed, adapted or created afresh for fragile and complex new democracies. Developments that took decades, and in some cases centuries, in Western countries – such as the evolution of an institutionalized political party

system – were expected to be achieved in the space of a few short years. Concluding that the “solutions to the problem of democratization consist of institutions”, an increasing number of political scientists argued that careful and purposive institutional design was not only possible but *necessary* to consolidate fragile new democracies.<sup>4</sup> This message was echoed by numerous other studies, reflecting a growing consensus on the importance of political institutions and constitutional design.<sup>5</sup>

As Ingrid van Biezen shows in Chapter 2 in this volume, this process entailed an ideational shift, with parties increasingly seen as a kind of public utility that needed to be regulated by the state, rather than the private associations of the past. This move into the public realm was accompanied by a new consensus on parties as essential components of well-functioning democracy, with “political engineering” a feature of the third wave experience.<sup>6</sup> But, despite being widely conflated in political science discussions, there is an important analytical distinction between “regulating” and “engineering”, particularly in relation to political parties. Kenneth Janda argues that attempts to engineer party politics typically take place at founding moments, whereas subsequent reforms are more often a case of regulation. “Regulating” is thus an essentially reactive process, a response to empirical observation, whereas “engineering” is a proactive process, using theoretical knowledge to design a particular outcome. When it comes to political parties, both processes are observable, although, as Janda notes, the language of engineering is usually applied to political party formation, whereas regulation more often refers to changes in existing party systems.<sup>7</sup>

The distinction between engineering and regulating has important real-world implications. In those emerging democracies with relatively settled and stable party systems, the potential for political engineering is likely to be relatively limited, as parties already represent relatively clear constituencies and interests. Even in deeply divided emerging democracies such as Cyprus or South Africa, there may be limited potential for reshaping the party system, and political strategies need to focus more on encouraging bargaining and cooperation between the players. By contrast, in more fluid systems such as Afghanistan or the Democratic Republic of Congo (in which hundreds of nascent “parties” emerged from scratch at transitional elections), the potential to engineer emerging structures is much higher.<sup>8</sup> Both engineering and regulation strategies are examined in this book.

The chapters assembled here represent the first comparative examination of this subject of which we are aware. They include regional studies covering most of the main regions of the world, including Southeast Asia, Southern and East Africa, Eastern and Central Europe, Latin America and Oceania.<sup>9</sup> Surprisingly, despite the potential importance of this sub-

ject to the pre-eminent policy challenge of building and sustaining new democracies, the impact of party regulation on political party development has received limited attention from either policy makers or scholars. Although political scientists have paid a great deal of attention to the utility of electoral systems in democratic development, there has been little discussion of political party regulation in the scholarly literature on democratization. The nature and workings of these institutional reforms, their impact upon party systems over time and their congruence (or lack thereof) with broader social realities all require investigation. This book therefore marks an initial attempt to survey the growing phenomenon of party regulation and assess its implications for broader issues of democratic development and conflict management.

### The crucial role of political parties

The central role of political parties in building consolidated democracies is now widely accepted. Policy makers and democracy promotion organizations often display a strong normative bias in favour of cohesive, organizationally developed political parties. According to the US National Democratic Institute, for instance, “political parties form the cornerstone of a democratic society and serve a function unlike any other institution in a democracy. Parties aggregate and represent social interests and provide a structure for political participation. They train political leaders who will assume a role in governing society. In addition, parties contest and win elections to seek a measure of control of government institutions”.<sup>10</sup> Similarly, the United Nations Development Programme maintains that “[p]olitical parties are a keystone of democratic governance. They provide a structure for political participation; serve as a training ground for political leadership; and transform social interests into public policy.”<sup>11</sup>

Scholars are similarly effusive. Some of the world’s foremost political scientists have placed parties at the centre of the modern democratic experience, arguing that strong parties are a *sine qua non* of successful democratization. In his classic work on political change, for example, Samuel Huntington argued that strong parties are “the prerequisite for political stability in modernizing countries”.<sup>12</sup> Three leading scholars of democracy, Juan Linz, Larry Diamond and Seymour Martin Lipset, have bluntly stated that, “without effective parties that command at least somewhat stable bases of support, democracies cannot have effective governance”.<sup>13</sup> More recently, in one of his final publications, Lipset extolled the “indispensability of political parties” for the survival of both transitional and established democracies.<sup>14</sup>

Both political practitioners and political scientists agree on the virtues of stable and programmatic political parties for emerging and consolidated democracies alike, but they offer surprisingly little advice as to how such party systems may be encouraged or promoted. There are several reasons for this. Perhaps most importantly, political parties have typically been viewed as social phenomena beyond the scope of deliberate institutional design. Because political parties in theory represent the political expression of underlying societal cleavages, parties and party systems have usually not been thought amenable to overt political engineering.<sup>15</sup> Although some authoritarian states have attempted to control the development of their party system (for example, the mandated “two-party” or “three-party” systems that existed under military rule in Nigeria and Indonesia, or the “no-party” system now abandoned in Uganda), most democracies allow parties to develop relatively freely. Because of this, parties have until recently remained beyond the reach of formal political engineering in most circumstances.

The role of international actors and development aid agencies is also important. Although it is today widely accepted that stable democracy requires the development of a stable party system, there had in the past been resistance to the idea of direct international assistance to parties. Until recently, broader democracy and governance initiatives funded by the United Nations and development aid agencies often steered clear of working with political parties, in part because of the overtly “political” nature of such work, and also because aid agencies were often more comfortable dealing with civil society than with parties. There has been a considerable shift in international opinion in this field over the past decade, with more and more governments and international organizations choosing to include political party strengthening in their development assistance programmes.<sup>16</sup>

A final reason for the shift has been the clear lack of any meaningful party development in most new democracies, highlighting not only the dearth of effective parties but also the weakness of many international democracy promotion efforts. With few if any cohesive, programmatic parties emerging naturally in “third wave” democracies, attention has turned towards the possibility of engineering particular kinds of parties instead.<sup>17</sup> Such exercises typically focus on the operational rather than ideological aspects of party behaviour, but most contain an implied policy impact too. As noted earlier, a common pathology of parties in new democracies is their lack of ideological coherence. Parties that campaign on the basis of policy issues and developmental challenges such as health, education and economic growth are in short supply – in sharp contrast to the common situation in emerging democracies where most parties present the same generic policy positions (for example, more develop-

ment, anti-corruption, national unity) or alternatively are based around identity (such as ethnic or regional ties) rather than policy differences. Many of the institutional reforms examined in this book contain the expectation that changing the party system will, over time, make more meaningful policy alternatives available to the electorate.

### Party systems in conflict-prone societies

The importance of political parties in transitional societies is magnified in conflict-prone societies. As key agents of political articulation, aggregation and representation, political parties are the institutions that most directly affect the extent to which social cleavages are translated into national politics. For example, some parties adopt “catch-all” strategies, designed to elicit support from across different segments of the electorate and regions of the country in order to win elections. Others seek to represent ethnic cleavages explicitly, and appeal for votes predominantly along communal lines. Matthijs Bogaards notes in Chapter 3 in this volume that parties in such situations can perform one of three functions: aggregation, articulation and blocking. That is, they can aggregate socio-cultural divisions, articulate ethnic differences or organize on other bases, thereby blocking the political organization of socio-cultural cleavages. These strategies are associated with different kinds of party systems, characterized by multi-ethnic, mono-ethnic and non-ethnic parties respectively.

There is significant debate in the scholarly literature about the merits of these different kinds of parties. On the one hand, scholars argue that the appearance of mono-ethnic parties based on distinct social cleavages can presage an “ethnification” of the party system that ultimately leads to a spiral of instability and conflict based on the politics of “outbidding” in ethnically polarized elections.<sup>18</sup> They contend that, because ethnic parties make their political appeals specifically on ethnicity, their emergence often has a centrifugal effect on politics, requiring ameliorative “centripetal” institutions to combat this tendency.<sup>19</sup> Others dispute this negative assessment of ethnic parties, and maintain that communally based parties provide opportunities for interest articulation from groups that might otherwise be shut out of the political system. A longstanding argument of the consociational school, for instance, is that ethnic parties help dampen conflict by channelling demands through legal channels, particularly if all significant groups can be represented proportionately in government and state institutions.<sup>20</sup>

Although scholars disagree on such issues, there is widespread consensus on the core role of political parties in conflict management, and that

different kinds of party system are likely to influence political outcomes and government performance. There is also increasing empirical evidence that variations in governance outcomes depend, at least in part, on the nature of the party system. Comparative studies have found that socially diverse states tend to have less cohesive parties, more fragmented party systems and higher turnover of elected politicians than their more homogeneous counterparts.<sup>21</sup> Other cross-national studies have found that an increase in the number of parties represented in the legislature leads to higher government spending on subsidies and transfers but lower spending on public goods.<sup>22</sup> In India, states with multiple parties in government spent more on personnel expenditures and less on developmental expenditures, and had poorer provision of public goods, than those with two-party systems.<sup>23</sup> Such findings suggest that variations in party systems do have a direct impact upon public welfare, and specifically that systems composed of a small number of large, cohesive parties are more likely to provide collective goods to the median voter than either one-party-dominant or fragmented multi-party systems.

Other studies of democratic transitions have also identified party systems as the key institutional determinant affecting the distributive impacts of economic reform. Thus, various works co-authored by Stephan Haggard have consistently argued that a system of two large parties or coalitions is the most propitious arrangement for democratic durability during periods of economic adjustment, and that fragmented or polarized party systems represent a major barrier to achieving economic reform.<sup>24</sup> Similarly, in his exegesis of the optimum conditions for a “democratic developmental state”, Gordon White stressed the importance of party systems that are “relatively well developed, concentrated rather than fragmented, broadly based, and organized along programmatic rather than personalistic or narrowly sectional lines”.<sup>25</sup> Such recommendations suggest a convergence of opinion on the benefits of aggregative and centripetal institutions for political development and stability. However, they also appear to ignore some other problems, such as minority exclusion.

Finally, a number of comparative studies have emphasized the benefits of such “moderate multi-partism” for the survival of new democracies. G. Bingham Powell’s work on democratic durability, for instance, suggests that the most favourable party system comprises a limited number of cohesive and broad-based parties, rather than many small, fragmented, personalized or ethnically-based parties.<sup>26</sup> Diamond, Linz and Lipset’s multi-volume comparison of democracy in developing countries concluded that “a system of two or a few parties, with broad social and ideological bases, may be conducive to stable democracy”.<sup>27</sup> In the same vein, Myron Weiner and Ergun Özbudun found that the one common factor amongst the small number of stable democracies in the developing

world was the presence of a broad-based party system, prompting the conclusion that “the success of democratic politics in developing societies is strongly associated with the presence of broadly-based, heterogeneous, catch-all parties with no strong links to the cleavage structure of society”.<sup>28</sup>

If we accept that such cohesive and aggregative parties and party systems are desirable, the next question must surely be how they can be encouraged to develop. In the remainder of this chapter, I look at the main approaches to strengthening parties and remodelling party systems through the use of institutional incentives and constraints. The first approach attempts to constrain the development of ethnic parties by cross-national party formation rules that require parties to demonstrate a broad organizational base. The second attempts to use the design of electoral rules to reshape the party system. The third tries to strengthen parties from the top down, via measures to build greater internal party capacity and discipline in parliament. The final approach involves international interventions to assist parties in post-conflict democracies. A brief description of these four approaches follows.<sup>29</sup>

### Building national parties

The most common means of influencing party system development in conflict-prone societies is to introduce regulations that govern their formation, registration and behaviour. Such regulations may require parties to demonstrate a cross-regional or nationwide composition as a precondition for competing in elections. Some of the world’s most important transitional states have introduced such measures in recent years. In Turkey, for example, parties must establish regional branches, hold regular conventions and field candidates in at least half of all provinces to be eligible to contest national elections. In Russia, one of President Putin’s first reforms required political parties to register regional branches in a majority of Russia’s 89 regions. Nigeria continues to require parties to display a “federal character” by including members from two-thirds of all states on their executive council and ensuring that the name, motto or emblem of the party not have ethnic or regional connotations. In Indonesia, the world’s most populous emerging democracy and largest Muslim country, parties must establish an organizational network in two-thirds of all provinces across the archipelago, and in two-thirds of the municipalities within those provinces, before they can compete in elections.

Attempts to build more nationally oriented parties have also been common in particular regions, especially Latin America and East Asia.

In Latin America, states including Colombia, Ecuador, Guatemala, Nicaragua, Honduras, Mexico and Peru have all introduced spatial registration requirements for political parties. In Mexico, for example, parties must have at least 3,000 affiliates in 10 out of the 32 states, or one-third of federal districts; in Ecuador and Peru, parties require officially inscribed membership levels in at least half of all provinces. In East Asia, in addition to Indonesia, states such as the Philippines, Korea and Thailand also place cross-regional thresholds on party formation. An example is Thailand's ambitious 1997 reforms to restructure its political system and reduce party fragmentation by requiring new parties to establish a branch structure in each of four designated regions and to gain 5,000 members drawn from each region within six months of being registered.

What is the impact of such schemes? The evidence to date is somewhat ambiguous, pointing to the utility of such mechanisms in achieving some goals – such as a more consolidated party system – but also to their propensity for unintended consequences. In Russia, for instance, studies indicate that the new party registration law did, to a certain degree, spur the development of nationally-organized parties in Russia's regions, even as other reforms undermined regional leaders and subverted democratic norms.<sup>30</sup> Jóhanna Birnir's analysis of Latin America's cross-regional party registration rules in Chapter 7 of this volume finds that nationally oriented parties often prosper at the expense of those representing geographically-concentrated indigenous groups, suggesting that the exclusionary effects of such rules may outweigh any gains that result from a reduction in party fragmentation. In Southeast Asia, as Allen Hicken shows in Chapter 4 in this volume, party formation rules have helped consolidate party systems, but in doing so appear to have assisted larger incumbent parties at the expense of minority interests.

So too, encouraging multi-ethnic party formation is easier said than done. Many countries in Africa, Asia and elsewhere have constitutional or legislative requirements that explicitly ban "ethnic" parties from competing in elections or require parties to be "nationally focused", or similar. As Bogaards notes in Chapter 3 of this volume, at least 22 African countries have bans on particularistic parties. Another manifestation was Uganda's now-abandoned "no-party" system, imposed by President Yoweri Museveni in 1986 on the basis that political parties inflamed racial and ethnic conflict. Even in Europe, which has tended to be more accommodative of minority interests, bans on ethnic parties have been attempted in Albania, Bulgaria and Bosnia, as Florian Bieber shows in Chapter 5 in this volume. However, in most cases these are essentially aspirational provisions that are not capable of being enforced effectively. What ultimately makes a party "ethnic" is not the nature of its composition or even its voter base, but the fact that it makes no attempt to appeal



to members of other groups.<sup>31</sup> Especially given the apparent tendency of such arrangements to degenerate into de facto one-party rule, it is clear that, in democratic settings, party systems cannot be fashioned by government fiat alone.

### Electoral systems and party systems

A second approach to political party engineering has been to use the electoral system to try to refashion the party system. There are several ways of doing this. One of the most common is to dictate the ethnic composition of party lists. In some countries, this has enabled a more deliberate strategy of multi-ethnicity than would have been possible otherwise. In Singapore, for example, most parliamentarians are elected from multi-member districts known as Group Representative Constituencies, which each return between three and six members from a single list of candidates. Of the candidates on each party or group list, at least one must be a member of the Malay, Indian or some other minority community, thus ensuring a degree of multi-ethnicity on party slates. A related approach has been used for some time in Lebanon, although there the ultimate composition of the party lists rests with the voters. Similarly, in Latin America, laws in Nicaragua and Peru oblige parties to open up space on their lists for indigenous candidates at local elections.<sup>32</sup>

Another approach has been to use technical electoral barriers such as vote thresholds, which prevent the election of many small parties to parliament. Probably the most extreme application of this is in Turkey, where parties must attain at least 10 per cent of the national vote (and constituency-level thresholds also apply) before they can be represented in parliament, thus discriminating strongly against smaller parties, especially those with a geographically concentrated support base.<sup>33</sup> This has led to some extreme vote distortions: in the 2002 Turkish election, won by the Justice and Development Party, so many smaller parties failed to clear the 10 per cent threshold that 46 per cent of all votes were wasted.<sup>34</sup> In Latin America, all countries bar Argentina and Brazil require parties to win a minimum share of the vote in parliamentary elections, ranging from 500 votes in Uruguay to 5 per cent of all votes in Ecuador.<sup>35</sup>

Other electoral system innovations can be used to counter party fractionalization and encourage inter-party cooperation and coalition. One example is the use of vote-pooling electoral systems in which electors rank-order candidates and votes are transferred according to these rankings. These systems can encourage cross-party cooperation and aggregation by making politicians from different parties reciprocally dependent

on transfer votes from their rivals. Examples of such systems in conflict-prone societies include the single transferable vote system in Northern Ireland and the alternative vote models adopted in both Fiji and Papua New Guinea in recent years. In each case, encouraging the development of a more aggregative party system was one of the primary goals of the electoral reforms. However, the presence of vote-pooling electoral systems has not been enough to stave off political crises in Northern Ireland or in Fiji.<sup>36</sup>

A final option for promoting cross-ethnic parties is to introduce distribution requirements that oblige parties or individual candidates to garner specified support levels across different regions of a country, rather than just their own home base, in order to be elected. First introduced in Nigeria in 1979, distribution requirements have so far been applied to presidential elections in large, ethnically diverse states in order to ensure that winning candidates receive a sufficiently broad spread of votes, rather than drawing their support from a few regions only. The original formulation in Nigeria's 1979 constitution required successful presidential candidates to gain a plurality of votes nationwide and at least a quarter of the votes in 13 of Nigeria's then 19 states. In 1989, this provision was made even more onerous, requiring a president to win a majority overall and at least one-third of the vote in at least two-thirds of all states, with similar rules applied for the first time to parliamentary elections as well, as Bogaards discusses in Chapter 3 in this volume. The Kenyan constitution provides a similar threshold, requiring successful candidates to win a plurality of the vote overall as well as one-quarter of valid votes cast in at least five of the eight provinces.

Indonesia's 2004 elections used a combination of all these devices. Only parties winning at least 5 per cent of the vote or 3 per cent of the seats in the parliamentary elections could nominate candidates for the presidency, sidelining smaller parties. The election was conducted over two rounds of voting, and first-round winners had to gain over 50 per cent of all votes as well as at least 20 per cent in half of all provinces to avoid a second-round runoff.<sup>37</sup> The combined aim of these provisions was to ensure that the winning candidate not only had a majority of votes overall but could command cross-regional support as well. In this respect, the presidential electoral law shares a centripetal logic with Indonesia's new party formation laws, which aim to promote parties with a cross-regional support base. In the event, the winning candidate, Susilo Bambang Yudhoyono, won a landslide first-round majority, so the distribution requirements were not directly tested.

As with spatial party registration laws, there is significant disagreement amongst scholars as to the utility of vote distribution requirements, with some interpreting them as impotent or even harmful interferences in

the democratic process, while others see them as potentially important mechanisms for muting ethnic conflict and ensuring the election of broad, pan-ethnic presidents.<sup>38</sup> The empirical evidence to date reflects this divergence of opinion. In Kenya, for example, Daniel arap Moi consistently subverted requirements that he receive cross-country support by manipulating tribal politics to ensure the continuation of his presidency, even as his own popularity was falling. Yet his successor, Mwai Kibaki, won a landslide victory in 2002 under the same system. Similarly in Nigeria, despite serious problems with the workings of the system under military rule, the vote distribution requirements have remained a feature of national electoral politics.<sup>39</sup> In Indonesia, the new laws attracted relatively little interest at their first use in 2004, in part because it was widely (and correctly) assumed that no candidate would be able to win a first-round majority, obviating the vote distribution requirement.

Electoral systems can also be engineered to increase the proportion of women in parliament, via explicit gender quotas or more informal party quotas. Both approaches have become increasingly common in recent years. Legal quotas to mandate minimum levels of women's representation are widely perceived to be the quickest way to rectify the problem of under-representation. Countries as varied as Argentina, Bosnia, Costa Rica, Mozambique, Rwanda, South Africa and Uganda have all dramatically increased their proportion of women parliamentarians by use of gender quotas.<sup>40</sup> Other countries such as Indonesia have followed the voluntary party quota model used in the Nordic countries, in which parties agree to nominate a specified proportion of female candidates, but these appear to be more easily circumvented than more formal legal quotas.<sup>41</sup>

### Parties in parliament: Top-down approaches

A third approach to political party development in conflict-prone societies is what I call the "top-down" approach, which carries the expectation that parties can be "built", to a certain extent, not from below (as is usually the case) but from above, by strengthening parties in parliament. This approach usually focuses on increasing party discipline and cohesion in the legislature as a means of stabilizing party politics, in the hope that more disciplined parliamentary parties will lead to a more structured party system overall. One way to do this is to restrict the capacity of members to change parties once elected. This practice, which was once widespread in many Asian countries, has been curtailed in recent years by the introduction of anti-switching provisions in states as diverse as Brazil, Fiji, India, Papua New Guinea and Thailand. These provisions

have made it difficult or impossible for a politician elected under one party label to change allegiance to another party once in office. In South Africa, by contrast, legislation to *facilitate* such party swaps was introduced by the governing African National Congress, as Denis Kadima explains in Chapter 9 of this volume.

However, such restrictions have little sway over party defections that take place outside the parliamentary arena or between elections. They also do little to combat the related problem of multiple endorsement, where the same candidate may be nominated by several parties or where parties endorse multiple candidates running within the same electorate. In such cases, more searching institutional innovation is required. Probably the most ambitious attempt at top-down party engineering has been in Papua New Guinea, one of the world's most ethnically diverse (and under-researched) countries. With over 800 indigenous languages and thousands of competing tribal groups, stable government has proved extremely difficult since the country's independence in 1975. However, as Henry Okole discusses in Chapter 8 in this volume, in 2001 a package of constitutional, electoral and party reforms was introduced with the aim of stabilizing executive government and building a more coherent party system. The intention of these reforms was to move parties away from being purely vehicles for personal advancement and to encourage intending candidates to stand for election under a party banner rather than as independents. Parties must be registered and meet basic organizational requirements, and politicians elected with party endorsement must vote in accordance with their party position on key parliamentary decisions such as a vote of confidence in the prime minister, or face a possible by-election. These reforms represent a serious challenge to established political practice and, although problems remain, political stability has increased significantly following the introduction of the new laws.

Another example of top-down party regulation is Peru's ambitious Political Party Law, which introduced a host of regulations governing party registration, including signature requirements for new parties, the establishment of provincial party committees and new rules governing candidate nomination, party alliances and financing. However, the success of the Peruvian party law remains debatable. As Matthias Catón and Fernando Tuesta Soldevilla detail in Chapter 6 in this volume, the enforcement of many of these laws was weak and sometimes non-existent, and the new laws appear to have created as many problems as they have solved. For instance, although they aimed to strengthen and consolidate Peru's party system, party fragmentation actually increased after the new laws were introduced. Lack of a strong regulatory body to enforce the new laws appears to be one reason for this. As Iain McMenemy notes

in Chapter 10 in this volume, large-scale attempts to re-engineer party politics require a strong regulator to work effectively – a measure that was present in Papua New Guinea but absent in Peru.

### External interventions

A final approach to political party engineering has been for external actors to attempt to intervene directly in the development of party systems in new or transitional democracies. This often involves channelling technical or financial assistance from international donor agencies, non-governmental organizations or multilateral agencies to party organizations in states where the international community has taken a prominent role, such as countries emerging from a period of violent conflict. Building coherent party systems in such post-conflict societies is particularly difficult, because parties often form around the very same cleavages that provoked the original fighting, leading to the continuation of the former conflict through the electoral process. Increasing awareness of the problems of polarized or otherwise dysfunctional party systems created by this process has lately spurred multilateral bodies such as the United Nations – which have traditionally been wary of direct involvement in party politics, preferring more traditional kinds of development assistance – to take a more active role in assisting political party development in some post-conflict countries.<sup>42</sup>

The most ambitious actors in this field have been the international democracy promotion organizations, which have proliferated over the past decade.<sup>43</sup> Because they are not bound by the same strictures as multilateral agencies, some of these agencies have attempted to intervene directly in order to shape party systems in what are seen as desirable directions. In Bosnia, for example, Krishna Kumar and Jeroen de Zeeuw show in Chapter 12 in this volume how international agencies deliberately assisted putatively multi-ethnic parties in preference to nationalist parties – although with limited impact. A range of reforms related to the electoral system and other areas introduced in recent years by the Organization for Security and Co-operation in Europe (OSCE) attempted to undercut nationalist parties by changing voting procedures and, in some cases, barring individual candidates from election.<sup>44</sup> Kosovo too has seen overt attempts by the international community to mandate multi-ethnicity in the political system.<sup>45</sup> However, despite some inflated claims to the contrary, the success of such interventions so far has been modest, and ethnic parties continue to dominate the Balkans' political landscape.

The vexed problem of transforming former armies into parties after a protracted period of conflict continues to trouble international interventions in this field. As one survey of post-conflict elections concluded: “Democratic party building is proving to be a slow process. In all the [post-conflict] countries, political parties are organized around personalities, narrow political interests, and tribal and ethnic loyalties.”<sup>46</sup> In Kosovo, the ongoing worry that previous ethnic conflicts between armed forces would be replicated by ethnically exclusive political parties prompted the OSCE to introduce a network of “political party service centres”, intended to support the territory’s nascent political groupings and help move them towards becoming more coherent, policy-oriented political parties.<sup>47</sup> Whether such an approach to external party-building is actually feasible, however, remains to be seen. Historically, the most successful example of such a transition is probably the armies-to-parties transformation wrought by the United Nations in Mozambique, where a special-purpose trust fund and some creative international leadership succeeded in bringing the previous fighting forces of FRELIMO and RENAMO into the political fold.<sup>48</sup>

As Krishna Kumar and Jeroen de Zeeuw show in Chapter 12 in this volume, although international assistance for post-conflict party-building has sought to consolidate nascent democratization processes in the aftermath of armed conflict, international agencies often fail to follow a coherent and comprehensive strategy of post-conflict party development. Instead, their approach has typically been ad hoc and opportunistic. Interested donor governments, democracy assistance agencies and non-governmental organizations have focused their efforts on constitutional and legal provisions for political party development in post-conflict cases such as Afghanistan, Bosnia and Congo and on the transformation of rebel movements into political parties in cases such as Mozambique and El Salvador. But the relative “success” of such cases has been the exception rather than the rule, and policy-relevant thinking on issues of party law and regulation remains underdeveloped and often contradictory.

## Conclusion

The idea of changing the way parties behave by reforming the rules of the political game is not a new one. The political reforms carried out by established democracies such as Japan and Italy in the 1990s, as well as the earlier political restructuring of post-war Germany or post-1958 France, all had party system change as a primary objective. In recent years, however, attempts to reshape party systems and to regulate party behaviour have become more ambitious in scope, more complex in oper-

ation and increasingly commonplace, particularly amongst newer democracies. The growing prominence of such exercises today brings a consequent potential for large and often unintended consequences. Yet, despite the impressive body of scholarship on constitutional design that has appeared over the past decade, surprisingly little attention has been given to this issue.

The chapters assembled in this book represent an attempt to fill this gap. Collectively, they seek to shed new light on how the systemic functions of political parties for democratic development may be fostered. Among the most striking manifestations of this trend are the overt attempts by domestic and international actors alike to intervene directly in party politics in new democracies and to shape the way parties and party systems develop by applying institutional measures to regulate their formation, composition, organization and development. In recent years, such “political engineering” has become an increasingly common means of influencing party system development, particularly in ethnically plural societies. Innovations in this area have been applied as a means of managing potential and incipient conflicts in new and emerging democracies, making them of the utmost importance to the task of building functioning democratic systems in fragile states. Despite this, viewing parties as malleable entities that can be engineered in the same manner as other parts of the political system remains controversial. Parties have traditionally been assumed to develop organically, rather than being designed in the manner of other, formal, political institutions.

Clearly, the new enthusiasm for overt party engineering entails many costs as well as potential benefits, as Vicky Randall notes in Chapter 11 in this volume. In countries such as Russia and Indonesia, new party registration laws served to restrict the level of political competition, raising major barriers to new entrants into the political marketplace. In Turkey, vote thresholds and bans on ethnic parties have not been able to constrain a further fragmentation of the party system or hinder the rise of Islamist parties.<sup>49</sup> In East Asia, regulation has helped reduce party fragmentation but also appears to have contributed to one-party dominance in cases such as Thailand – solving some old problems but creating new ones in their place.<sup>50</sup> Restraints on ethnic parties also carry many risks. If ethnic groups are unable to mobilize and compete for political power by democratic means, they are likely to find other ways to achieve their ends. Balance is key: if attempts to foster nationally oriented parties by restricting regional parties end up encouraging extra-constitutional action by aggrieved minorities, they will have exacerbated the very problems they are designed to prevent.

Regional differences are also important. In Africa and Asia, many post-colonial democracies were destroyed by the politicization of ethnic

identity, so that today there is widespread acceptance of the need to limit the role of ethnic factors in party politics. In much of Europe, by contrast, minority parties already existed at the time of political liberalization, and the focus has therefore been on accommodating existing minorities where they exist – except in post-conflict cases such as the former Yugoslavia, where determined efforts to build multi-ethnic parties continue. This helps explain the legal protection – indeed, encouragement – offered to minority parties in Europe compared with other regions. The OSCE, for example, enshrines the right of ethnic minorities to form their own parties and compete for office on a communal basis in official proclamations such as the 1990 Copenhagen Declaration, which specifies “the important role of . . . political parties . . . in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities”,<sup>51</sup> and the 1992 Helsinki Document, which commits participating states “to ensure the free exercise by persons belonging to national minorities, individually or in community with others, of their human rights and fundamental freedoms, including the right to participate fully . . . through political parties and associations”.<sup>52</sup>

The situation outside Europe, particularly in Africa and Asia, is very different. Instead of supporting communal parties, countries such as Indonesia and Nigeria have deliberately attempted to subvert their appearance through complex spatial registration rules, and many other countries, especially in Africa, ban ethnic parties altogether. Although such constraints would constitute a clear breach of the international treaties that bind the European and post-communist OSCE member states, they appear to be widely accepted in other regions. A similar conclusion applies to the use of electoral thresholds: a number of European countries specifically exempt parties representing ethnic minorities from application of the threshold. In Germany, Denmark and Poland, for example, exemptions from the threshold apply to parties representing specified “national minorities”. No such exemptions apply in the developing democracies of Africa and Asia; indeed, as the preceding discussion makes clear, any such provision would run counter to the general logic that seeks to restrict, rather than assist, ethnic parties.

Given this diversity of experience, it is important not to over-generalize about the impact of party regulation and engineering in developing democracies. However, on the basis of the evidence assembled in this volume, a number of broader conclusions suggest themselves. First, political engineering has clearly evolved from being focused upon formal constitutional rules to include less formal organizations such as political parties. Second, developing countries rather than the established democracies of the West are at the forefront of this movement and have been clearly the most influential innovators in this field. And third, because



many new democracies are also ethnically plural societies, they face the twin challenge of opening up the space for political competition while restricting the politicization of ethnicity. Many states have turned to party regulation in an attempt simultaneously to manage communal divisions *and* consolidate democracy – an experiment in political engineering that is likely to have important lessons for other conflict-prone societies grappling with these same issues.

## Notes

1. There is a large literature on the contribution of political parties to democratic functioning. Some of the most important works include Seymour Martin Lipset and Stein Rokkan (eds), *Party Systems and Voter Alignments: Cross-National Perspectives* (New York: The Free Press, 1967); Giovanni Sartori, *Parties and Party Systems: A Framework for Analysis* (New York: Cambridge University Press, 1976); John Aldrich, *Why Parties?* (Chicago: University of Chicago Press, 1995); Stephan Haggard and Robert Kaufman, *The Political Economy of Democratic Transitions* (Princeton, NJ: Princeton University Press, 1995); Peter Mair, *Party System Change: Approaches and Interpretations* (New York: Oxford University Press, 1997); Larry Diamond and Richard Gunther (eds), *Political Parties and Democracy* (Baltimore, MD, and London: Johns Hopkins University Press, 2001).
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6. For examples, see Giovanni Sartori, "Political Development and Political Engineering", *Public Policy*, 17, 1968: 261–298; Donald L. Horowitz, *A Democratic South Africa? Constitutional Engineering in a Divided Society* (Berkeley, CA: University of California Press, 1991); Giovanni Sartori, *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes* (London: Macmillan, 1994); Pippa Norris, *Electoral Engineering: Voting Rules and Political Behavior* (Cambridge: Cambridge University Press, 2004); Benjamin Reilly, *Democracy and Diversity: Political Engineering in the Asia-Pacific* (Oxford: Oxford University Press, 2006).
7. Kenneth Janda, "Clarifying Concepts in Democracy Assistance: 'Engineering' v. 'Regulating'", unpublished paper, 2006.
8. Thanks to Tim Sisk for his observations on these subjects at the first authors' meeting on Political Party Development in Conflict-Prone Societies, Clingendael Institute, The Hague, 26–27 October 2006.
9. It is a source of regret to the editors that other planned chapters on North and West Africa and on South Asia were not able to be included in the final volume.
10. National Democratic Institute for International Affairs, "Political Party Development", at <http://www.ndi.org/globalp/polparties/polparties.asp> (accessed 27 March 2008).
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  27. Diamond et al., "Introduction: What Makes for Democracy?", in *Politics in Developing Countries*, p. 35.
  28. Ergun Özbudun, "Institutionalizing Competitive Elections in Developing Countries", in Myron Weiner and Ergun Özbudun (eds), *Competitive Elections in Developing Countries* (Durham, NC: Duke University Press, 1987), p. 405.
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  30. Bryon Moraski, "Mandating Party Development in the Russian Federation: Effects of the 2001 Party Law", *Journal of Elections, Public Opinion and Parties*, 16(3), 2006: 199–219.
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  32. See Matthias Catón and Fernando Tuesta Soldevilla, Chapter 6 in this volume.
  33. Ergun Özbudun, "The Institutional Decline of Parties in Turkey", in Diamond and Gunther (eds), *Political Parties and Democracy*.
  34. Soli Özel, "Turkey at the Polls: After the Tsunami", *Journal of Democracy*, 14(3), 2003: 80–94.
  35. See Matthias Catón and Fernando Tuesta Soldevilla, Chapter 6 in this volume.
  36. Benjamin Reilly, "Electoral Systems for Divided Societies", *Journal of Democracy*, 13(2), 2002: 156–170.
  37. The second round of voting entails a straight runoff between the two leading candidate teams, with no distribution requirements.
  38. See Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington DC: United States Institute of Peace Press, 1996), p. 55.
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# Political Parties in Conflict-Prone Societies: Regulation, Engineering and Democratic Development

Edited by Benjamin Reilly and Per Nordlund

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Well-functioning political parties are essential components of democracy. They organize voters, aggregate and articulate interests, craft policy alternatives, recruit and socialize new candidates for office, set policy-making agendas, integrate disparate groups and individuals into the democratic process, and provide the basis for coordinated electoral and legislative activity. But political parties in many developing democracies remain weak and underdeveloped, often being based around personal, ethnic or regional ties rather than national interests.

Today, with more states deciding their leaders through multiparty elections than ever before, many developing democracies seek to shape the development of political parties and party systems by regulating the way parties can form, organize and behave. Most of these ambitious initiatives and innovations emanate from new democracies rather than established Western examples. This volume examines this growing trend in conflict-prone societies towards promoting stable and inclusive political parties via political party regulation and engineering in developing democracies around the world

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