Political transformation and democratization: new patterns of interaction between public administration and civil society in North Africa

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In the post-Second Gulf War period, a wave of democratization has emerged in the North African region known as the Maghreb. This undertaking is primarily concerned with the need to redirect the existing state–society relationships so as to encompass a larger, more democratically formalized political spectrum. A structural accountability derivative of democratic dynamics is what is being sought by a vast group in the Maghreb. Nevertheless, this population has had to face the challenge of an alternative vision of society put forth by Islamist groups, at the same time that it found itself battling with existing authoritarian regimes and their resistance to change. Parliamentary and, in the cases of Algeria and Mauritania, pluralist presidential elections have taken place. Yet, in spite of some marked advances, conflict between government and civil society forces largely persist and have even worsened. Contestation has remained the order of the day as regimes are still unable to carry out social promises.

   This discussion proceeds from the notion that (1) democracy and civil society constitute the bedrock of legitimate governance; and (2) Maghrebi societies are in a process of alteration wherein this same twofold set of democratic governance is being articulated in relation to national strategies of development. The transformation process is underpinned by the relationship between political stabilization and political turbulence in the context of the demand for more political participation in mid-1990s North Africa. In the context of a propitious moment of global *pax democratica*, the region is at a turning point. Are the restructuring scenarios paving the way for a growth of radicalism or forging ahead of the democratic impulse with substantive and delegative reforms carrying institutional and procedural implications at the level of Maghrebi public administrations? A realistic evaluation of civic movements, their potential and shortcomings, as an integral part of a democratizing project aimed at both state and society is necessary.

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The action of civil society and the effect of democratization

In the current North African context, the societal body, including members of the administration, seeks primarily to gain and establish rights that are multiform in nature. This diversity refers not only to the varied nature of their demands but also to their internal composition. These pillars of social activity and national construction are: (1) economic, social, and cultural rights (the right to an education, the right to work, the rights of minorities, women's rights, status, equality before the law, etc.); and (2) civil and political rights (freedom of opinion, thought, and expression, freedom of movement, freedom of assembly and association, freedom to organize in unions, and the like). In such a context, the action of civil society is to be understood as the expression of the organization of society and the reflection of the programs and interests of organized social forces. Specifically, civil society is made up of (1) political parties; (2) organized interest groups (professional syndicates, labor unions, business associations); and (3) private voluntary organizations (charitable associations, community clubs, etc.). These bodies try to influence the national policy-making process through direct action on the daily patterns of public administration. Essentially, they constitute receptacles for affiliations and primordial entities (the family, the tribe, the ethnic group, and, to a lesser extent in most of the Maghreb, the social class). Civil society organs produce exchanges — often uneven and disorganized in embryonic democracies — emanating from patterns of political participation outside the formal structures. Theirs is a set of actions undertaken in the name of a new coherent political morality. Thus, one must emphasize the voluntary character of civil society — as opposed to the mandatory and impersonal nature of public administration — and the stirrings of its forces (the vocal groups) in the strengthening of associational life. Its flourishing and intensification are very much a function of the quality of the internal debate between actors with different interests and convictions (i.e. indifferent bureaucrats versus civic activism). The role of civil society is to contribute to the tuning of the polity by checking the excesses of the different actors and by capturing areas within the administration and rendering them accessible to society. It is literally an attempt to create a 'public' administration.

In the Maghreb, an endeavor of this nature is being conducted by a few — albeit marginal — non-governmental and non-primordial organizations that look upon democratization as the vehicle for their aspirations. Such a process of the politicization of society implies, nonetheless, a sponsoring role for the government as well, with the danger that this could provide the latter with a way to unilaterally control the public agenda. Still, a strong civil society is a prerequisite for successful democratization. Playing a catalytic role, civil society does away with endemic dissensus by way of an alternative articulation of interests which had become routinized in the bureaucratic cycle. It is in this very sense that the activity of a few organs benefits the community at large. Yet in the Maghrebi context, it is, so far, difficult to fathom whether a modern-day civil society, working to penetrate and redirect the nature and work of the existing public

administration, can supplant traditional forms of cohesion and segmentation within the local community. Will there be fission and fusion or the replacement of such tribal-localistic spaces? And, how can the average citizen effectively benefit from such an institution? To be certain, the emerging patterns of interaction between the administration and society correspond to a phase of both empowerment and uncertainty. The guiding notion is that, as part of the globalization of the demand for democracy, the building of a democratic culture encompassing socio-administrative institutions, cultural milieu, traditions, and intellectual heritage is in the makings in the Maghreb.

There was, in North Africa, a protracted social and economic crisis in the 1980s which was followed by a momentum of change in the early 1990s which has been succeeded by a period of uncertainty and reversal in the mid-1990s. Even though they are in a state of flux, the traditional power structures at the level of public administration have, here, maintained most of their dynamics, but the notion of change remains decisive. The transformation process concerns the nature of the relationship between the state and its society. In this context, civil society emerges as a mediator, a conciliatory force, checking the excesses of both state and society primarily with regard to the protection of civil liberties and the opening of new avenues of exchange regarding, in particular, the use of information. Hence, civil society in the Maghreb spells, primarily, awareness and activism. Still, personal status (familial, ethnic, religious, tribal, confessional, professional) continues to define the Maghrebi citizen. Thus, conformity of the status criterion, as an indigenous process, with the universality of the concept of equality before the law — the object of the action of civil organs and their argument for pressurizing the administration into giving way to a new culture calling for the establishment of a redirected social contract — remains a vexing question in the current context of change. The crux of the problem is that the relationship between the individual, *as his/her own self rather than as part of a group*, and the state implies a qualitative change characterized primarily by a marked reduction in unilateral and arbitrary policy-making at the level of Maghrebi public administrations. The conscious neglect of concrete forces by the center leads, in fact, to further contestation. The establishment of an institutionally protected network of interaction between rulers and ruled is what will determine whether future developments will spell further liberalization or political degeneration. The securing of a democratic space within the existing body politic of these public administrations will also breed new life into a complex process whose modalities are aimed at the legitimate validation of state authority on three primordial axes: the administered, the administration, and the general polity (i.e. a supranational sort of ombudsman entity).

The concept of democratization is understood, here, as the maximization of political participation amongst competing factions in the context of a restructuring of the societal order. By and large, the process of democratization is appraised with regard to: (1) its presence (or lack thereof); (2) its development (identification of successive phases and direction of the effort); (3) its intensity;

and (4) its appeal and meaning to civil society organizations and the population at large. In effect, democratization corresponds to a phase of empowerment and uncertainty at the level of national structures. The main criterion of the democratization variable is the holding of free and fair elections (municipal, legislative, and presidential) and the determination of a system of governance on the basis of these results. But other equally important criteria of a democratization process include freedom of expression, free access to information, media pluralism, and power-sharing in the national decision-making process. (Indeed, the right to participate in the political process through the mediation of a two-way receptive administration is a full right insofar as Article 21 of the Universal Declaration of Human Rights specifies that 'everyone has the right to take part in the government' of his/her land.) A 'democratic' public administration, then, becomes the catalyst to these transformations. The pertinent question for Maghrebi societies concerns the consolidation and affirmation of organized consent during a period of change. The democratization variable is also designed to assess each country's overall degree of openness and tolerance, the situation of political opponents, as well as the nature of the leadership and its role in the change process. The measure of an open society is a diverse, flexible, and, most importantly, unambiguously receptive administration.

The changing Maghrebi picture
In the 1950s and 1960s, independence meant transfer of authority. Under that political climate, a first transition took place from colonial rule to life under the post-colonial state — a non-democratic system under which authoritative foreign rulers were replaced by locals. Up until decolonization, the struggle had been for independence in Algeria (1962), Libya (1951), Mauritania (1960), Morocco (1956), and Tunisia (1956) — a struggle in which religious leaders played a primary role with, for instance, the resistance movements of 'Omar al-Mukhtar in Libya, the Emir 'Abdelqader and Sheikh Ben Badis in Algeria, and Sheikh Mal'aineen in Mauritania. Later, it became one for governance, and the inherited administrative system — from which the constellations influenced by these leaders were kept away — gradually showed its limits and, more importantly, its nature. The system was not calibrated to the societies at hand. So a new type of struggle emerged, one for the building of a society, and, correlatively, of demand and recognition, or lack thereof, of rights. Because of the uneven political development in the first half of the 20th century, the reshaping of public administration and the indigenization of the polity became the order of the day. Nevertheless, repressive colonial measures were also inherited by the post-colonial Maghrebi state. Coupled with the revolutionary imperatives, they led to a rapid disenchantment with the promised changes. Although constitutionally based civil liberties were introduced, democracy was put on hold in the name of the independence imperative. Moreover, the *étatist* economic choices shaped the societies in a similar vein. (One must also make mention of the fact that none of the Maghrebi nations had known a democratic political regime during the

pre-colonial period (Camau, 1971). Such depersonalization prevailed during the 1970s.

In the early 1980s, the region entered a period of turmoil. Seeking a limitation of the direct political role of the military — who had come to acquire the dominant role in most Maghrebi bureaucracies as they rode the wave of the independence movement — social formations started making forceful demands for their elemental rights. A mosaic of groups pursued the resynchronization of the social system, putting forth the notion of accountability within an inclusive public administration. Refuting the symbolic participatory politics that had prevailed in the previous decades, opposition groups started to flourish in the Maghreb. Nevertheless, resistance on the part of governments led to suppression of these demands coupled with state violence — often enacted by groups of technocrats — widely directed to the regimes' opponents. Then, a second transition was initiated in the early 1990s. The introduction of a multiparty system — in Algeria, Mauritania, and Tunisia — brought uncertainty to the polity but did not undermine the power of the army. To be sure, military authoritarianism remains prevalent in four of the five North African countries.

The most vocal opponents to the behavior of the post-colonial bureaucratic-authoritarian state have been the Islamist circles. Islamic militancy has emerged as the greatest challenge to North African regimes. To be certain, and as far as public administration is concerned, 'within the interstices of the authoritarian system, Islamic activists have developed an alternative domain in which new values are being cultivated and new styles of participation being forged' (Wickham, 1994). The Algerian government's refusal to abide by the 1991 election results, followed by a silent coup d'état and an anti-Islamist campaign including emergency military trials, torture, and assassinations, led to a vicious civil war between the Algerian army and the three main Islamic groups: the Islamic Salvation Front (FIS), the Armed Islamic Group (GIA), and the Armed Islamic Movement (MIA). Since domestic situations in Maghreb countries have long influenced one another, organized Islamist opposition subsequently gathered further momentum in Tunisia, Morocco, Mauritania, and Libya. Hence, between 1990 and 1995, Islamism, as a geopolitical movement, emerged as a dominant force in all of North Africa. This has led to the emergence of a public administration as an arena where ideological battles (secular versus religious, modernist versus traditional, universalistic versus particularistic) are being fought.

In addition to religious nationalists, oppositional political activity was also exercised by liberal modernizers, radicals, and populists — all of whom claim to be democratic and have legitimizing references to the Islamic normative system while they seek to establish an alternative public system. Such expressions of an ethos of tolerance and peaceful coexistence emanating from pluralistic societies where peaceful settlement of conflict has not yet prevailed call for scrutiny from the standpoint of administration. Following the collapse of the Soviet Union and the pressure for democracy in Eastern Europe, the Maghrebi states found themselves at varying degrees enmeshed in a complex sequence of transformation

facing the pressing need for a spirited debated in their administrations. Although the process has been erratic, a shared sense of urgency pervades the current engagements. A brief statement on each country is in order.

In Algeria, the past six years have been a period of struggle for sovereignty, dignity, and freedom. In the wake of rampant abuses and riven by political and ideological cleavages the country is today living through anomie, apathy, and alienation. The Algerian situation is essentially dominated by a conflict between a military junta and Islamist groups seeking to overthrow the government and establish an Islam-oriented state and society. Although the new Algerian president, Liamine Zeroual, called for a 'national dialogue', censorship of the press, prohibition of political activities, confinement of associations, repression of labor unions, and political immobilism persist. In a May 1996 poll taken by the independent Algerian newspaper *El Watan*, 61.7 percent of Algerians expressed their disagreement with the government's policies since the November 1995 election. To a large extent the result of the alienation of urban youth, the unrest of the 1980s had been compounded by an enduring economic crisis. When the political liberalization of 1989 opened legitimate contestatory avenues, that space was overwhelmingly occupied by the Islamist opposition. In the wake of five years of civil war, there is little doubt that the Islamists (FIS, GIA, MIA) remain the most organized force in the country, systematically seeking to establish their rule. They and the military government are the real power-brokers. Jockeying for power, the other major political parties stand on the side of this bipolarity.

In contradistinction to the fervor of the struggle in Algeria, there is in Libya an almost total absence of manifestation of an alternative project of society to the existing one. With the exception of Islamist opposition, few calls for change are openly voiced by Libyans. Such marginalization of the change issue is surprising since Libya is facing a dose of political uncertainty as significant as its other Maghrebi neighbors. Moreover, since April 1992, the country has been living under a regime of United Nations sanctions — imposed on the basis of Libya's alleged implication in the December 1988 bombing of Pan Am Flight 101, which exploded over Lockerbie, Scotland — that has brought it international isolation. Under a military government, the country is governed through a March 1977 constitution giving executive powers to Colonel Moammar Qaddafi, as Guide of the Revolution, and legislative authority to a 1112-member People's General Congress. The congress is elected by popular committees set up at the level of municipalities, neighborhoods, rural communes, syndicates, and popular organizations. The role of political parties is non-existent. Referred to as 'contemporary dictatorships' in Qaddafi's *Green Book*, they were banned by a 1972 law. Instead, the committees serve the purpose of institutionalization of political activity. Since no significant organized internal mobilization had previously existed, the political fabric in Libya was weak from the beginning of the independent era. The religious–political leadership of the Sanussi order had been replaced by a rigidly controlled military–nationalistic revolutionary system with a pronounced proclivity for populist appeals. The presence of oil-generated wealth meant less

pressure on the government to create the conditions for political liberalization. This situation hindered the development of accountability so that there has been no real channeling of demand and dissent as the main societal questions were dissipated. Consequently, the debate about democratic values and civil liberties is, by and large, absent. All of this does not bode well for the country's administration, since the nurturing of a civic culture has been overly delayed.

The democratic wave hit Mauritania in April 1991 when the authorities announced that they would be introducing liberalization measures. In July of that year, a new constitution installing a multiparty system was adopted by referendum. Yet rather than moving towards power-sharing, the authorities have, over the last four years, isolated themselves in an ever-removed sphere of unilateral governance. Today, the ruling party totally controls the political process, winning, for instance, the April 1996 senatorial elections — boycotted by most opposition parties — by a 97 percent margin. Moreover, repression is still used by the authorities. Thus, Mauritania's democratic experiment is, at best, ambiguous. Following the national enthusiasm that was present in 1991 at the inception of the political opening, a reassessment movement, characterized by generalized disenchantment, has emerged in this country between 1993 and 1996. Democratization has remained a formula used primarily by the entrenched élites before whom the opposition parties have swiftly lost composure. As it approaches two electoral turns in 1996 and 1998, the national political system is increasingly conditioned by the bipolarity between pro-change forces and status-quo supporters. A profound economic crisis provides the stage to this competition at the same time that it nourishes a rebellious politicization of the societal body — a picture in stark contrast to the promises of the 1991 spring. In effect, in spite of the different steps taken, there has been no period of trust-building between the Mauritanian regime and its citizens. The electoral process has not succeeded in infusing a sense of political legitimacy, for the executive has forestalled further progress. The emergence of an opposition was possible only because of the gradual development of an increasingly informed and involved public that has tried to influence policy-making administrative circles with less than moderate success.

In Morocco, human rights abuses have significantly decreased in the last five years. In 1991, King Hassan II set up a Consultative Council on Human Rights (CCHR) to investigate violations of citizens' rights. According to the two leading local human rights organizations, there were in 1992 some 500 political prisoners in the country. By 1996, according to the same sources, the number was down to 68 — most of them Islamists (Simon, 1996). Some 400 political prisoners have been freed and the return of exiled opponents allowed. There has also been an attempt to create the conditions for a dialogue between different political expressions by improving the law. Despite the progress made in opening the political system, the Moroccan monarchy has been backing down on one issue in particular. Since the creation on 29 April 1991, of the United Nations Mission for the Organization of a Referendum in Western Sahara (MINURSO), followed by a

cease-fire starting the following 6 September there has been hope that the linger-
ing issue would be settled. However, the dispute between Morocco and the
Polisario continued and the deadlock was total by May 1996, when the United
Nations announced the withdrawal of most of their troops. In that context, human
rights violations have persisted in the Western Sahara. In addition, there are
increasing divisions amongst the different segments of Moroccan society, and
these splits are played out at the administrative level. Bred by economic, social,
and cultural frustrations, the opposition between the Sha'bi (man of the street)
and the Makhzen (the royal house) has been fueling calls for more social justice
as well as a fair and open administration. The crisis is energized by an economic
recession, and by the fact that Islamism has been gaining ground in the kingdom.
To be sure, Islamists have not yet garnered enough power to revolutionize
Morocco, but their presence is increasingly being felt by the authorities. How can
political pluralism coexist with the principle of consultation and monarchical pre-
rogatives? What kind of political *modus operandi* will emerge from a new, more
democratic, organization? Specifically, a new constitutional and administrative
rearrangement of the polity with a clear specification of the role of the monarchy
and the rights of the government, as well as the place and status of political
parties, is being sought.

Finally, despite being perceived as a democratizing country, Tunisia is the part
of the Maghreb where conditions have regressed the most since the inception of
the liberalization wave. A November 1995 report by Amnesty International (AI),
covering the last quinquennial, speaks of numerous instances of confinements to
house arrest, detentions, torture, and unfair trials of citizens. Activists, indepen-
dent journalists and intellectuals, in particular, have been targeted. Similar find-
ings were reported by the Arab Organization for Human Rights (AOHR) in a July
1995 release. Such a picture speaks of a lack of institutional respect for political
diversity in Tunisia — a feature concomitant to the Tunisian public administra-
tion where independent civil servants are absent. This setback to the democratiza-
tion wave was compounded by the deteriorating conditions of a social fabric
that has witnessed an intensifying struggle between the regime and its political
opponents, in particular Islamic militants. Starting with the legislative elections
of April 1989, which were followed by a repression campaign against members
of the Islamist party, Al-Nahda, led by Rachid Ghannouchi, repression policies
have, since that time, reached most Islamists and liberal opposition groups, such
as the Democratic Socialists' Movement (MDS), the principal legal opposition
party; the Al-Tajdid (the renewal); the Popular Unity Party (PUP); and the
Progressist Socialist Assembly (RSP). In Tunisia, 'the advance of civil society
has been stalled by a regime unwilling to cede political control and submit to the
discipline of inviolate civil liberties and open, institutionalized contestation'
(Bellin, 1994). It remains to be seen what effects such excesses will have on the
Tunisian state–society relationship.

What emerges from this brief overview is that the North African ship of
political liberalization is not in clear waters yet and that Maghrebi public

administrations cannot but be affected by such an evolution. In spite of some actual advance, the transformation picture in the Maghreb remains unambiguously lacking at the bureaucratic and civic levels. This failure can be attributed to several factors. Most significant is the perceived presence of social discomfort and political deadlock. Maghrebi governments, in particular those battling Islamism, are not ready to accept a true form of political pluralism — which they perceive as fundamentally endangering their monopoly — nor are they willing to allow a greater role to civil society organs in policy-making structures inside their administration. As raison d'état is abundantly invoked, and recourse to political coercion by power holders is still widespread in the Maghreb, the current developments harbinger an uncertain future for the whole region. Further repression will certainly breed radicalism into an already complex body politic. Only convergence of interests will pave the way for a peaceful resolution of multi-layered conflicts between state and society — a synthesis concerning all factions as well as all functions and leading to liberalization of the political front. What is certain, though, is that, despite the nature of the different North African regimes, an effective public administration is dependent on the progress of a dynamic civil society and the concomitant pluralist openings at the level of a state that needs to embrace the new politico-institutional articulations.

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