



Political Parties and Civil Society

The Need for Stronger Linkages to
Defend and Promote Democracy

ENoP
EUROPEAN NETWORK OF
POLITICAL FOUNDATIONS

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THIS STUDY IS DEDICATED TO THE MEMORY OF DR PETER KÖPPINGER (1949 - 2021)

Peter Köppinger passed away during his committed work on this Study, as its first lead author. Until his last breath, he fought for strengthening democratic principles worldwide. He always knew that defending democracy is not a sprint, but a marathon. A steady race that requires the inclusion of all relevant actors, as well as marginalised groups, in all decision-making processes. One step at a time.

He approached his work with empathy, cooperativeness and understanding of local challenges in each country striving for democracy in its highest forms. Through his numerous scientific contributions, Peter became a distinguished author and expert in the area of democracy support and social cohesion. Topics like migration, social market economy and the increasing consumption of global resources, that he addressed almost five decades ago, now seem as timely as ever.

Peter is especially remembered in Southeast Asia, where those who were lucky to know him associate his name with the fight for democracy. His values and visions led to establishing local government structures in Cambodia, a new political party in the Philippines, and umbrella organisations for stronger intergovernmental cooperation across Southeast Asia.

And his desire to see European political foundations work together, across the political spectrum and in a depolarised environment, contributed to the establishment of a European Network of Political Foundations - ENoP.

With the death of Peter Köppinger, the world lost one of its most dedicated democracy defenders. At ENoP, we lost one of our very own. Nevertheless, we are proud to see this Study and the work of ENoP thrive, as a fragment of his incredible legacy.

ENoP remembers Peter and continues his fight for more democratic and inclusive societies everywhere. One step at a time.

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Introduction

Democracy is under threat worldwide. This is the assessment of numerous analyses that observe democratic recession and decay, and describe how democracy dies (V-Dem 2022, IDEA 2021, EIU 2022, Diamond 2008, 2015, 2019, Rich 2017, Levitsky/Ziblatt 2018, Runciman 2018). One of the reasons for the decline of democracy is the failure of political parties to perform their functions appropriately. This leads to a loss of trust in previously dominant or well-respected parties, the fragmentation of party systems, and the (re-)emergence of populist and nationalist leaders who destroy the foundations of liberal representative democracy (Müller 2016; López-Alves and Johnson 2019). In this process, political parties are both the victims and the perpetrators of the decline of democracy. Above all, however, they are part of the solution. Among other factors, democracy in modern mass societies depends on political parties and how they exercise their specific functions.

POLITICAL PARTIES AND THE CRISIS OF REPRESENTATION

According to political theory (Hofmeister 2022: 24), political parties should:

- bundle and articulate social interests by formulating the expectations and demands of social groups on politics (aggregation and communication function);

- represent social groups and interests as well as ideal or ideological positions in political competition (representation function);

- promote the political participation of citizens and the connection between citizens and the state (mobilisation and socialisation function);

- organise political competition, take part in elections, present programmes and candidates for political office, seek approval from the electorate, recruit political personnel, and promote young political talent (competitive function);

- form and support the government, exercise government functions, and/or represent the opposition (executive function);
-
- make a significant contribution to the legitimacy of the political system in the consciousness of the citizens and social forces (legitimisation function).
-

These functions can be divided into two different categories: representative “input” functions, and procedural or institutional “output” functions. The representative or “input” functions include the bundling and articulation of social interests, the representation of social groups, and the formulation of political programmes. The “output” functions include participation in political competition, holding political office in government and parliament, and legitimising the political system.

Representation is the main topic for “representative” democracy – however, it is also the main challenge. For many years, a crisis of representation has been observed in many countries. Parties play a major role in this (Dalton and Wattenberg 2002; Deschouwer 2017) and one of their failures is that they no longer have any special links to social groups and organisations. This leads to a mutual lack of understanding – parties do not know what moves the citizens, and the citizens do not know what the parties stand for. One consequence of this development is the loss of trust suffered by many parties. According to the regular Eurobarometer surveys, for instance, a majority of citizens in most European countries tend to treat parties with mistrust (Eurobarometer 2021: T 236). This is the part of the globe with the most stable democratic systems. In Asia, Africa and Latin America, trust in political parties is even lower (Latinobarómetro 2021).

Certainly, the parties do not bear sole responsibility for the crisis of representation. Social change, the fragmentation of modern societies, the erosion of traditional social associations and even entire social groups, individualisation, and modern forms and instruments of communication make it difficult for them to maintain their previous forms of relationship and linkages to certain social groups. However, it was observed some years ago that precisely those parties – which were firmly established in the political system and repeatedly exercised government responsibility – used various mechanisms to defend their privileged position. These include lavish state party funding, for example. On the one hand, this has contributed to the professionalisation of these so-called „cartel parties“. On the other hand, they have paid less attention to traditional forms of connection and anchoring in society (Katz and Mair 1995). It is true that state party funding can also be used to finance surveys to find out the political

preferences of citizens. But a closeness to the citizens and a feeling for their sensibilities only emerges to a limited extent from opinion polls. They cannot substitute the direct, personal link between party representatives and the individual citizen – just as virtual meetings cannot substitute personal encounters. The long-term consequences of this development are noticeable today when limited responsiveness of political parties to the expectations of the broader public is regularly being observed (Mair 2009; Bardi, Bartolini and Trechsel 2014; Dahlberg, Linde and Holmberg 2015; Linde and Peters 2020). At the core of this phenomenon is the discrepancy between the strong support for democratic principles and the widespread discontent with the way democracy works. This contributes to voter volatility, the fragmentation of party systems and, in the end, it builds the foundation for the emergence of populist movements and parties which can threaten the survival of the democratic system. Young democracies have been affected by this phenomenon, although in some countries efforts to close the gap between parties and society have been observed (Ibenskas and Polk 2021).

The loss of linkage structures between parties and society is confirmed by the country chapters in this volume. These chapters look at developments in five countries: two in Asia (Cambodia and the Philippines); two in Africa (Benin and Kenya); and one in Latin America (Bolivia). In these countries there is one party that maintains close links to important social groupings and organisations. This is the MAS in Bolivia which has emerged from a peasant and indigenous movement and is still closely linked to organisations of this sector (which does not mean, however, that the MAS is particularly committed to upholding the norms and institutions of representative democracy). In some African countries special relations exist between parties and individual socio-cultural groups, although so-called ethnic parties are forbidden in many places by law. In general, however, the linkage between political parties, society, and social organisations is rather weak and many parties do not invest a lot of effort and resources into establishing a solid link between them and the rest of their societies. We also observe that parties in the “new democracies” which are in government or benefit in another way from public funding and resources tend to behave like the “cartel” parties in Western democracies – they rely on public funds and neglect additional efforts to establish solid links with social organisations or to gain new members for their own organisation.

However, building stable ties to social groups is an important prerequisite for parties to adequately perform their function of representation. Solid channels of communication with citizens and social associations help them to get to know the preferences of citizens and social groups, and – at least partially – take them into account in their political actions. The channels of contact and communication also serve to explain and justify parties’ own actions to the electorate. It is important for them to build up and possibly even control firm linkage structu-

res, because the way they are connected with citizens and civil associations is of great importance in elections. Those citizens and civil associations with whom a party maintains firm linkage structures are more likely to cast their vote for the party on the day of an election than those citizens and members of social organisations with whom no particular linkage exists. Parties should therefore be eager to build close and strong links with different social and civil associations and organisations.

Linkages between parties and society can be constructed in two ways: by means of its political communication when the party takes a position on policy issues and vis-à-vis the expectations or demands of certain social groups. Many parties confine themselves to communicating essentially only through their various communication channels, and to perceiving societal interests and expectations only through the media and opinion polls. Smaller or newly founded parties especially often have limited contact with different social groups and organisations that represent the interests of individual groups – unless they have emerged from a social movement, such as „Die Grünen“ in Germany or “Podemos” in Spain. For those parties without specific social cleavages, the media are the most important sources of information and instruments for communication nowadays. Traditional and well-established (larger) parties also rely on the media landscape, but care about close contact with organised interest groups.

Nowadays, communication via social media has become a central form of contact between parties and society, depending on the overall intensity of social media use in a country. One should by no means underestimate this level of contact. All over the world we can observe how parties, political leaders, and outstanding candidates (who often run in the name of parties) communicate with citizens via the modern media, how the masses can be mobilised by it, and how political opinions as well as emotional bonds between parties, party leaders, and a large following can be generated by it, similarly to personal encounters in the past. However, this form of virtual encounter is frequently a one-sided form of communication, where the functions of transmitter and receiver are distributed in favour of the political apparatus. Supporters of parties, social groups and organisations, and the public as a whole are indeed permanently inundated with messages from parties. Nevertheless, a real dialogue does not take place despite many thousands of individuals – with their likes or comments in social media – having the impression that they did actually establish a direct link to a politician or a party. In the best case, the dialogue partners on the side of the parties are employees of their communication or media departments, and in the worst case, they are automated by artificial intelligence that serve the individual citizen targeted answers to their comments and concerns. In such cases, there is no real linkage between citizens and parties.

Real linkages arise from a special formalised or quasi-formalised relationship with civil society organisations (CSOs) and associations. This was characteristic of the mass parties when they emerged. Nowadays, those mass parties – where they still exist – have often lost their traditional peer groups. Parties of other types may still have special relations with individual social groups, but either the weight of the parties or that of their reference groups (or both) is so low that no decisive contribution is made in terms of a linkage between parties and certain social strata. A relevant factor in this context is that most parties today no longer emerge on the basis of social cleavages to individual groups or have lost them – not least because some groups have also lost relevance or coherence. In the five countries that will be analysed in more detail in the next chapters, it can be seen that such social cleavages did not exist when parties were founded.

LINKAGE MECHANISMS BETWEEN PARTIES AND SOCIETY FROM A HISTORICAL PERSPECTIVE

Formal links with non-party organisations have existed since the founding of mass parties in the 19th century and are most common in traditional left-wing parties (Labour, Socialists and Social Democrats). The strongest links with organised labour were found in parties whose members were collectively affiliated through trade unions, such as in the early British Labour Party. Affiliated trade unionists attended the parties' annual conferences, had voting rights proportionate to their financial contributions, occupied party leadership bodies to a considerable extent, and played a decisive role in the selection of candidates (Allern and Verge 2017). A similar relationship existed in Australia, New Zealand and Scandinavia. Weaker links, or even the absence of such links, characterised countries with more fragmented trade union movements, in predominantly Catholic countries such as France and Italy, for example. Other party families had similar social links at the beginning of the 20th century. Catholic parties not only relied on the Church and religious organisations, but also promoted mergers of Catholic workers' unions and cooperatives, as well as associations of peasants, industrialists and others. The organisational network of the agrarian parties, on the other hand, was comparatively modest and consisted mainly of peasant associations and agricultural cooperatives.

The Christian Democratic parties founded in Europe after the Second World War also avoided any indirect, class-based structure. In political systems with universal suffrage, the “cadre bourgeois” parties were also motivated to follow the example of the mass parties in order to preserve their influence. In the absence of strong extra-parliamentary organisations, the

liberal and conservative parties tried to connect with society through peasant associations, lodges, and similar groups, preferring a looser form of affiliation without formal representation in party bodies. By the 1960s, however, weaker and less exclusive links between parties and interest groups were observed as a result of eroding class identity and the increasingly influential mass media (Kirchheimer 1966). This was accompanied by the gradual elimination of statutory ties, such as a guaranteed presence of such associations in the national party. Both parties and organised groups sought formal autonomy.

As mentioned previously, the increasing availability of public subsidies, among other developments, encouraged parties to further weaken their social links. Formal links to social groups became less important as the main means of communication with the parties' constituencies. As a side effect of this development, external and collateral organisations have gradually become less relevant for many parties, with declining double membership and weakened access to parties' decision-making bodies (Poguntke 1998: 176-8). The best-known example of such a decline is the British Labour Party and the loss of influence of the trade unions over this party. Similar examples are found in Scandinavia, Australia and New Zealand.

Although this brief overview of traditional linkage mechanisms refers mainly to the so-called Western party systems, it also provides an important indication for the development of parties in other regions. Specifically, where party funding is quite lavish by local standards and benefits at least the established parties, it can be assumed that this also contributes to the low level of effort to build close relations between parties and civil society. This, for instance, is the case in many countries in Central, Eastern and Southeast Europe (Enyedi 2006).

PARTIES AND INTEREST GROUPS IN WESTERN DEMOCRACIES: SOME CURRENT FINDINGS

Despite the dissolution of firm relationships, there is not a complete detachment between parties and social organisations. As recent data and research confirm, frequent inter-organisational ties still exist between political parties and interest groups (Allern et al 2020, 2022). Research¹ done in 21 countries shows that 92% of central party organisations and 90% of

1 The research project considers data from Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Sweden, Switzerland, the United Kingdom and the United States.

legislative parties had at least one such tie to one or more interest groups. Across party units, event-based ties are more common than durable ties. Party families have ties to one or more interest groups, whereas social democratic central party organisations stand out with the highest average of ties to social groups.

In addition to event-based and durable ties, parties apparently seek regularised top-leadership contact with interest groups – regular contact between the elected top leaders and executive members in the national party organisation or the party’s legislative group leader(s) and spokespersons in different policy fields, and the top leaders and executive members of interest groups. As has been found in 65% of central party organisations and 70% of legislative parties, leading members of the party unit are in regular contact with the leaders of one or more specific interest groups. On average, central party organisations (legislative parties) have leadership ties to different group types. The purpose of these contacts is to be informed about the topics of concern for individual organisations, and to inform of a party’s position related to policy issues. Certainly, this exchange can have an influence on a party’s stance towards individual issues. However, this does not mean that interest groups can establish any relevant influence on a party manifesto, on a candidate, or on leadership selection.

Conversely, a considerable number of interest groups – in addition to parties themselves – are looking to build inter-organisational ties to one or more parties. Thus, while ties to parties are quite widespread, some groups have stronger ties than others.

When disaggregating different group types, unions or labour groups stand out. 86% of these groups have at least one such inter-organisational tie to one or more parties. This is related to the qualities of the individual unions, such as their resources and historical structures.

Overall, research data confirms that “significant organisational ties between parties and interest groups still exist, contradicting the conventional wisdom of general, mutual separation. In addition, we see that while most parties maintain some ties, many groups do not have such ties at all to political parties” (Allern 2022: 7). This indicates that interest groups are divided into those who look for ties to political parties, and those who do not care about ties because they are not important for the purposes of their organisation.

Unfortunately, data only exists for the countries considered in the analysis by Allern et al. Nevertheless, it can be assumed that in many other countries there are regular relationships between important patriarchal leaders and the most important representatives of larger social organisations as well. This is especially true for business associations and trade unions, which

are the most important CSOs in most countries. However, in no case – neither in the countries included in the quoted survey nor in the many others for which there is no additional data – do such meetings say anything about the quality of relations between the parties and social organisations. Even fairly regular meetings between the top personnel of both sides cannot hide the fact that mutual ties have become more precarious.

THE ROLE OF INTRA-PARTY ASSOCIATIONS IN THE FORMATION OF LINKAGES TO SOCIETY

Many parties have created so-called intra-party associations or sub-organisations as well as working groups or other committees which offer a special form of intra-party engagement and participation in programmatic debates and political actions. Political parties with a larger number of party members create internal party organisations that offer a special mode of participating in intra-party debates. Such intra-party associations can play an important role in the party's representative function as they channel the concerns and demands of different social groups to the party. Nowadays, youth and women's associations are the most prominent of such intra-party groupings. Other sub-organisations have lost relevance. Moreover, not all of them have a statutory right of representation in their party's decision-making bodies.

Parties do treat these associations quite differently. Some parties assign new members automatically to internal groups. This is especially true with young members who automatically also become members of the party's youth organisation. Other parties request a separate application for the affiliation to an intra-party association. Depending on their size, they may play a role in the process of drawing up electoral and candidate lists. Their main relevance for a party, however, lies in their expected capacity to build special linkages to social groups outside of the party. This means that members of the youth wing are expected to contribute or create links to youth organisations, women to women's organisations, etc.

A recent empirical survey of the number and types of social groups that have formal status with parties – along with the analysis of formal representation rights enjoyed by those groups – confirms that formalised (statutory) links between political parties and social groups still exist, but they tend to be relatively weak (Allern and Verge 2017). Today's political parties are not associations of organised social interests. Linkages through formally affiliated external interest groups (non-party organisations), such as trade unions and business groups, are

found in very few parties. Additionally, trade unions tend to have stronger linkages through representation rights in parties' decision-making bodies than top business organisations. This formal linkage mechanism has weakened in Western Europe since the 1960s, but the decline has been moderate because this type of social linkage was never common. Today, only a few countries have parties with affiliated non-party organisations.

Overall, there exists a limited circle of intra-party groupings whose actual importance for the social connections of their parties cannot be clearly measured. However, these limitations do not necessarily mean that the use of sub-organisations has declined in recent years. Poguntke (2000) concluded that the number of intra-party organisations – of which those targeting women and youth are the most widespread – increased between the 1960s and 1989. A recent survey showed that the proportion of Western European parties with youth organisations has increased over time, while the proportion of parties with women's organisations seems to have slightly declined in recent years, reflecting the low incidence of such sub-organisations in newer parties (Allern and Verge 2017).

The variations in the number of sub-organisations in parties can perhaps be explained by both country and party level factors. For example, it appears that more generous public funding programmes seem to reduce the incentives for parties to create sub-formalised (statutory) links with social groups, which still exist but tend to be relatively weak.

The age of a party seems to be an important variable for the existence of internal party associations. Newer parties founded after the Second World War have created fewer internal organisations than parties founded before the Second World War. For example, established parties such as the social democrats and the Christian democrats in Europe tend to have more internal party associations than younger parties such as the Greens, the left socialists, and the extreme right. Newer parties seem less inclined to form such associations.

The empirical analysis also shows that the establishment of sub-organisations is positively associated with the adoption of quotas to guarantee the presence of group members in party bodies and electoral lists. However, this is only the case for women's party sub-organisations. Where such units exist, gender quotas are more likely to be used for drafting candidates' lists and determining the composition of parties' decision-making bodies. In addition to women's agency, left-wing ideology seems to be a strong driver of quota adoption. This measure is most widely used by the Social Democratic and Green parties. In contrast, very few parties

have established sub-organisations for ethnic minority groups or used quotas to guarantee minorities' representation in party bodies or electoral lists. Moreover, it is worth noting that formal electoral quotas do not exist for all the groups gathered in formal collateral organisations.

Intra-party associations are often represented in the parties' decision-making bodies (Poguntke 2006: 400-3). With decreasing overall membership, however, these intra-party associations have also lost members and relevance. Many parties no longer care to promote such associations despite them playing an important role in linking parties to young people outside of its own structure, and in familiarising young party members with the party's political and ideological foundations. Especially at a young age, such processes are important because new members adapt to the group culture of the organisation they join and, after a learning phase, help to shape it (Hooghe and Stolle 2005).

LOSING TIES BETWEEN PARTIES AND SOCIETIES

Leaders of parties and social organisations continuing to contact each other on a regular basis does not contradict the general tendency of losing ties between parties and societies – and this is not only the fault of the parties. The fragmentation of modern societies – and this is not limited to Europe or North America – has led to a situation where social groups and strata and the organisations representing them no longer exist in the same way as they used to. The transformation of the world of work, for example, has permanently changed the identities and organisations of workers. The classic industrial worker who was a trade union member and represented a solid party identity hardly exists today. This also applies to other areas of society.

Many voters today feel no particular attachment to a particular party. The latter, in turn, no longer know with certainty who their voters are and how to address them. The loss of members – which can also be observed internationally – contributes to the alienation between parties and citizens, and a drying up of contact between parties and societies. It is true that there are a large number of new parties, reflecting a certain dissatisfaction with the established parties. However, the vast majority of newly founded parties do not maintain close relations with specific social groups. Other new parties, however, often represent rather narrow group interests (e.g. ecological parties, animal protection parties, religious parties, women's parties, regional parties, nationalist parties, parties for pensioners, etc.).

Social media further complicates the parties' contact with citizens and their ability to represent them. New media offers citizens and groups alternative channels of communication and consequently communicating via the parties as mediators is no longer necessary to express interests and concerns. However, if citizens only express their interests and expectations individually via social media and in a supposedly direct contact with a politician or state agencies, this carries less weight than an organised articulation of interests via social organisations and their linkage to parties or other institutions in the public sphere.

The ties between parties and society have also been affected by an increase in professionalism within parties in recent decades. Full-time staff now perform tasks that used to be done voluntarily by members. As a result, the bonds and knowledge about the state of mind of individual groups have been lost.

Finally, it is worth noting that many parties today are led by a party elite who have a political career but only maintain functional contact with social organisations. Whereas in the past many party leaders first engaged in social organisations and later in life began their political careers, today a new generation of politicians in many parties and parliaments know nothing about life outside politics. This also influences the parties' attitude towards social organisations.

CIVIL SOCIETY AND REPRESENTATIVE DEMOCRACY

Although the role of “civil society” is continuously pointed out in the analyses about the state of democracy and the defence of democratic values (IDEA 2021, V-Dem 2022), it seems that in some of these publications there is no clear idea about what „civil society“ means. In fact, it is “one of the most enduring and confusing concepts in social science”, as Michael Edwards explains in his introduction to the comprehensive Oxford Handbook of Civil Society (2011: 3). To begin with a definition, civil society “is the sphere of uncoerced human association between the individual and the state, in which people undertake collective action for normative and substantive purposes, relatively independent of government and the market” (ibid). Another scholar describes civil society as a “dense network of groups, communities, networks, and ties that stand between the individual and the modern state” (Kenny 2022). In short, the concept comprises all voluntary associations of people who pursue a common purpose. Civil society includes groups like trade unions, social movements, professional associations, wel-

fare organisations and many more. Barely or not formally structured initiatives or movements that pursue a common purpose and are sometimes short-lived are also part of civil society. Among these are the social movements which are a mixture of organisation and spontaneity, loosely organised but sustained campaigning in support of a social goal, typically either the implementation or the prevention of a change in society's structure or values. In general, all social movements pursue a kind of social change.

These definitions draw attention to the fact that the concept of civil society is often used reductively and without reflection. Democratisation and good governance, the defence of human rights, free press, and poverty reduction are very relevant areas where many CSOs offer a valuable contribution. However, these areas are not necessarily the main objectives of many CSOs nor are the CSOs which are active in these areas necessarily the most relevant organisations in their countries. This is confirmed in the five country chapters of this volume. Nevertheless, this idea about the political role of CSOs has become widespread, especially from the 1990s onwards, when CSOs in many countries actively supported the „third wave“ of democracy. It is important to note that many CSOs do not pursue a political agenda – certainly not a pro-democracy one – and some even pursue an anti-democratic agenda. Moreover, the emergence and development of CSOs in Global South countries is taking place under conditions that differ markedly from those in Europe and the United States, where the concept of the CSO first emerged.

Contemporary understanding of civil society is deeply influenced by the ideas of Tocqueville (2000). He envisioned civil society as associational life, composed of voluntary membership organisations that oppose totalitarian regimes in different parts of the world to keep the state accountable and effective. Thus, civil society fosters the social norms and trust necessary for people to work together, and teaches individuals to appreciate and effectively use their liberties in promoting democracy and avoiding despotism. For the neo-Tocquevillians, the ability to form associations and engage freely is inherently good. In accordance with this approach, civil society has been delineated as problem-solving agencies which fulfil governance gaps, tackle market failures, and improve public accountability by serving crucial watchdog roles over the market and public system when those fail to provide basic public services.

However, in many non-Western countries civil society is characterised by parochial associations such as village communities, burial societies, trade unions, industrial confederations, commercial organisations, student groups, and fundamentalist religious cults – all of which may not have an interest in matters beyond their own immediate concerns and seek to manipulate the state for their own purposes. Democratisation and good government may not necessarily

be at the forefront of their attention. “Therefore, universal conceptualisation of civil society, similar to the Western models, may be problematic because the preconditions of modernity (and civil society), namely the systemic differentiation between market, state and society, and the concomitant emergence of the modern rights-holding individuals, have either not been completed or carried out in a distorted manner. In many countries in the Global South, the rule of law is still a pending political project, at least for the majority population. In most parts of the world, then, civil society lacks its fundamental preconditions (...) including traditional civil society actors’ various roles and potential for enacting social change” (Kamruzzaman 2018: 9).

Nevertheless, the idea of civil society cannot easily be dismissed as having little meaning outside its Western origins. Nor can it simply be (re)discovered in those countries to promote democracy and good governance, although the construction of an ideal version of civil society highlights the danger of dogmatism. This can provoke a socio-political conflict when those who believe their conceptions of good are unquestionably correct and consider all others to be seriously misguided. Therefore, against any universal and reasonably homogenous depiction of civil society, the heterogeneity of civil society in social, political and cultural terms needs to be recognised when understanding civil society in non-Western countries.

That said, one must recognise that CSOs can and do play an important role in promoting democracy, good governance and human rights in many countries and parts of the world. Modern societies and democracies are no longer conceivable without the diversity of social organisations, clubs and associations. A free, active and diverse civil society is crucial for democracy. Association activities promote communicative interaction both in small groups and among the general public. Even marginalised groups such as the homeless form their own associations in some countries and articulate their views and demands to a wider public with regard to issues that are important to them. Civil society thus promotes individual and collective self-determination, especially when it comes to maximising individual self-development and self-direction by altering power structures in favour of inclusion and voice. It seems impossible to conceive this ideal without the organisation, experience, direction, and decision offered by civil society associations in the public sphere. Nevertheless, one must also acknowledge that civil society is only one of many forces at work. Political parties generally play an important – and in many cases the most prominent – role in promoting democracy.

The main difference between political parties and CSOs (particularly CSOs with political purposes) is that the latter do not compete for political office. In addition, their political interest is usually focused on single issues and they do not advocate a government programme that includes policy proposals for a wide range of policy areas. However, it happens time and again

that such organisations want to represent their ideas in the political arena, in a parliament, as a member of a government, or even become political parties themselves. For example, this has been the case with the Green Movement in Germany, and the Human Rights Party in Cambodia – which originated from a CSO and was temporarily one of the most important opposition parties in the country.

THE LINKAGE FUNCTION OF CIVIL SOCIETY ORGANISATIONS BETWEEN PARTIES AND SOCIETY

Many CSOs that articulate the interests of their members and supporters seek to exert influence on political institutions and decisions. In doing so, they address state institutions directly, be it at the municipal or the national level. In addition, they often turn to political parties with their demands in order to obtain support for their concerns, knowing that the parties exert a decisive influence on institutions and decisions. In this way, the organisations and interest groups contribute to the formation of linkages between them and the political parties.

CSOs usually concentrate on a small number of (mainly sectoral) issues and concerns. This is true, for example, of business associations or trade unions, which have traditionally been among the most influential CSOs in most countries. Nowadays, environmental or consumer associations and many organisations representing specific socio-political interests of individual groups also exert a great deal of influence. All these associations are characterised by specific organisational and functional features and maintain a particular kind of relationship with other actors in the political system, such as state institutions, the media, and political parties.

All these organisations try to influence political debates and decisions in their favour. However, there is always the danger that individual associations can use good resources, efficient mobilisation, or easy access to political decision-makers in order to assert their sectoral interests over the general interests of a society. This is by no means only true for business associations or trade unions. The Green Party in Germany, for example, is a direct product of the various environmental and peace initiatives of the 1980s. After this new party entered the regional parliaments and the German Federal Parliament, the influence of organisations and associations close to the new party did not diminish. In fact, the new German Foreign Minister (who came from the Green Party) hired the previous Executive Director of Greenpeace Inter-

national, Jennifer Morgan, as the new Secretary of State with responsibilities to coordinate and represent the positions of Germany in international climate negotiations and other related areas. This is an example of the influence that CSOs can have on political parties and even governments – it seems unlikely that Ms Morgan would have abandoned the convictions she held as a director of Greenpeace when she took up government office.

How effective the approach of CSOs to individual parties is depends on various constellations. In principle, each side must carefully examine with whom it must come to an understanding and with whom it can go on a course of conflict in order to defend its own interest and to win the support of its followers. In countries with a large number of associations, such as the USA and Germany, it is sometimes feared that the power of CSOs could threaten the sovereignty of the state. In fact, in many places the legislative process is influenced by individual associations in their respective policy areas. In Germany, for example, the associations of the car industry are traditionally strong. In Brazil and France, it is the agricultural lobby. In Malaysia and Indonesia, it is the palm oil companies. In a country like Bolivia, the coca farmers and traders exert a great deal of influence on the ruling party MAS. However, empirical studies repeatedly conclude that in most western democracies there is no evidence of one-sided dominance of individual actors in the legislative process. On the one hand, this is due to the control and transparency of lobbying activities introduced in many places. On the other hand, it is also due to the large number of organisations that try to influence politics in one way or another. For example, more than 20,000 organisations in the USA are registered in Washington D.C. alone, and more than 200,000 are registered throughout the country – all of which represent social interests in one way or another and want to influence political decisions. However, their multiplicity causes a balancing act between individual lobby groups.

In many policy areas, social organisations and interest groups provide external technical expertise from the field which policy-makers depend on. This applies to very different issues. In Cambodia, for instance, CSOs are indispensable in many places to support public agencies in the implementation of social services. When it comes to climate protection, the control of intellectual property rights on the internet, or the transparency of supply chains, national and international social organisations today offer a treasure trove of know-how that parties and governments are hardly willing or able to do without. This is exemplified by the international climate conferences, where a large number of CSOs not only articulate demands and expectations to national governments, but also contribute their expertise to the definition and agreement of international standards. Parties (but also governments) cannot dispense with the

manifold contributions of CSOs. However, decision-makers and elected representatives must strive to ensure that they are not one-sidedly informed. They must also listen to alternative opinions. This is another difference of social organisations: while they deliberately take a one-sided view of the subject of their interest, parties ideally strive to obtain a broader spectrum of opinions on individual factual issues and to represent them with their proposals.

POLITICAL PARTIES, CIVIL SOCIETY AND THE PROMOTION OF DEMOCRACY

Especially from the 1990s onwards, civil society groups have played an important role in organising resistance against authoritarian governments and dictatorships. The political role of these groups in particular received much international attention. In many countries in Latin America, Africa, Asia, and Central and Eastern Europe, they played and still play a central role in the resistance against dictatorships and authoritarian tendencies. Since then, they have participated in the consolidation of new democracies by contributing to the social control of the state and politicians, advocating for the vertical accountability of governments, and defending fundamental rights. Especially where incumbents have a high degree of power and parties and parliaments do not exercise real control over the government, CSOs play an important role as a corrective for the preservation of democratic principles (Brancati 2016). Rulers such as Putin, Mugabe, Chávez, Erdoğan or Orbán who want to evade such social control suppress the scope for action of CSOs in order to maintain their power. Their role is therefore highlighted in many analyses of the state of democracy worldwide (IDEA 2021, Diamond 2019; V-DEM 2022).

For some years now, it has been observed (not only in dictatorships) that the room for manoeuvre of politically inconvenient organisations has been curtailed. This is often done with openly repressive measures, but also through administrative acts and restraints in registration or taxation. This is problematic for the democratic order of such countries, because these organisations make an important contribution to checking the prerogatives of the government and making politicians accountable to the citizens for their actions – especially when the parties fail in this task. Through protests, clever communication and cooperation with the media, some organisations can generate so much pressure on certain issues that politicians and governments at least have to better explain their stance on individual issues and revise decisions (Altman 2019). Nevertheless, CSOs and their important contributions in favour of

respect for democratic principles cannot replace the parties. Especially with regard to representativeness, some organisations raise such expectations. Frequently, they also raise the demand for more direct democracy.

So-called „social movements“ as a new collective actor within civil society claim to contribute to the regeneration of democracy. They claim that as soon as they are invited by a government to discuss substantive issues, the decision-making processes will become „more democratic“ (Ibarra 2003, 16). In any case, in view of the turning away of many citizens from parties, it is necessary to introduce new forms of democracy that give higher priority to non-party or non-partisan forms of participation, and replace the traditional patterns of political representation that are essential to party democracy (Dalton 2000, 23).

Most proposals and demands in favour of alternative forms of participation follow the notion of a „deliberative democracy“, the core component of which is also civil society (Bächtiger et al. 2018). As the term suggests, it is about stimulating a stronger and continuous dialogue of politics with „civil society“ in order to reach agreement on upcoming topics and factual issues. Rational discussion in society (rather than representation by political parties) would lead to a „re-legitimation“ of democratic principles because it would promote civil engagement and participation in society. There are different attempts worldwide to introduce such deliberative democracy, for instance by convening “citizens’ juries”. However, as with other forms of deliberative democracy, it is an elite model that takes decision-making out of the hands of citizens. But no one can guarantee that social movements or even experts really take the different interests of citizens into account better than elected political representatives.

In democracy political decisions are supposed to take into account the different interests within a society. Political parties are the institutions that represent this diversity of interests in parliaments and, through participation in elections, achieve a much higher degree of legitimacy for their exercise of political power than CSOs. While these can perform certain functions of parties, they do not fulfil their most important function: participation in general elections. And it is precisely with this that parties demonstrate the degree of their representativeness. CSOs and social movements can hardly provide empirical evidence of their actual support in a society. They may mobilise a high number of followers and organise huge rallies, which may indicate a high level of societal support for their requests. Nevertheless, this cannot substitute an empirical confirmation based on votes rather than opinion. This naturally results in limitations on assertiveness, even when it is for noble causes such as averting the climate catastrophe. In some countries, social movements have therefore mutated into parties themselves,

such as The Greens in Germany and other countries, or Podemos in Spain. They are the best proof that in representative democracy there is no alternative to parties as institutions representing the interests of society as a whole.

Despite this scepticism about their claim to political representation, it should be emphasised that CSOs contribute to political processes and to the stabilisation of democracy in every society. The large number of organisations and their growing importance all over the world prove that an important percentage of citizens want to participate at least in issue-specific and selective political processes. This potential is not being exploited enough by the parties. At the same time, it should be noted that CSOs share similarities with parties. Once strong institutions are weak today and have lost many members or split. Many of them do not fulfil two principles which they themselves demand parties to adhere to: transparency of decision-making structures and internal organisational democracy. Some organisations exist for a short time and the commitment of their supporters is also often short-lived. In this respect, CSOs can by no means compensate for the demobilisation of parties. Close linkages need to be built between political parties and CSOs, because these will reduce the problem of representation and improve the quality of democracy.

Case Study of Cambodia



**Contribution by:
Ok Serei Sopheak**

INTRODUCTION

The turning point of Cambodia's modern political history was the Paris Peace Agreements of 1991, which put an end to more than two decades of civil war and conflict. However, what started 30 years ago as a transition to democracy has resulted, at least for the time being, in a type of authoritarian regime (IDEA 2021, EIU 2022) in which democratic rights of freedom and participation are severely restricted and controlled. This applies not least to the room for manoeuvre of civil society organisations (CSOs) that pursue political issues such as the promotion of human rights, the demand for transparency in government action, and the fight against corruption.

At the time of the first elections in May 1993, a competitive multi-party system existed, a coalition government was formed, and a liberal constitution was adopted (Peou 2011 and 2015). In 1997, the then Second Prime Minister Hun Sen and his Cambodian People's Party (CPP) took power. They marginalised other parties, persecuted leaders of the political opposition, forced them into exile or even killed inconvenient members of political parties, CSOs and social movements. Parliamentary elections are still held at regular intervals, but Hun Sen and the CPP dominate all electoral processes and repress the introduction of democratic checks and balances. Hun Sen has been prime minister since 1998 and is one of the longest-serving leaders worldwide. In December 2021, he announced that his son would succeed him. It is expected that this change at the top of the government, which will not be a change of power, will take place before or at the latest after the general elections in 2023.

The opposition parties share responsibility for their own and the country's decline in democracy in that they have contributed to the weakening of their own parties and the fragmentation of the party system as a whole due to the personal ambitions and animosities of their leaders. The main opposition leader, Sam Rainsy, has repeatedly been forced into exile for long periods. The CPP has continually fuelled rivalry between opposition politicians. In addition, the government has not shied away from having members of the opposition parties, especially the CLP (Candlelight Party), murdered. This has helped the CPP to achieve clear dominance in elections.

The fragmentation of the party system is reflected in the fact that a total of 17 political parties registered their candidates for the commune elections on 5 June 2022. The main opposition Candlelight Party (CLP), which is inspired by Sam Rainsy who continues to live in exile, finally declared its participation to challenge the ruling Cambodian People's Party (CPP) after months of consideration over whether to participate or not, citing an unfavourable political environment.

Despite this multiplicity of parties, the CPP won all the seats in the Chamber of Deputies in the 2018 elections. Only the traditional royalist National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) party – which won the first democratic election in 1993 and appointed the First Prime Minister – is currently represented by two senators in the Senate, which is the second chamber of the national parliament. In the elections to the National Assembly (the first chamber), the party won 5.9% of the vote nationwide, but due to the electoral law it did not win a mandate in the chamber.

For many years, the main opposition party was the Sam Rainsy Party (SRP), led by and named after Sam Rainsy. The party was founded in 1995 under the name Khmer National Party and is known today as the „Candlelight Party“. In its last participation in a national election in 2008, the SRP received 21% of the vote and 26 seats in the National Assembly. Before and after these elections, Sam Rainsy had been sentenced to imprisonment in absentia several times for criticising government measures and accusing it and the CPP of electoral fraud. He has been in exile several times and has been repeatedly pardoned but has been denied the right to stand in elections. Since 2016, he has been in permanent exile. In 2012, Sam Rainsy was instrumental in his party joining forces with the Human Rights Party (HRP) to form the Cambodia National Rescue Party (CNRP). By then, the SRP had already lost significant support.

For a relatively short period of time, the HRP, founded by Kem Sokha in 2009, was a relevant opposition party. The party's founder had belonged to the FUNCINPEC party for several years, but in 2002 he founded the Cambodian Center for Human Rights (CCHR). The CCHR is a non-governmental organisation which is one of the most important Cambodian CSOs whose aim is to promote and protect democracy and respect for human rights throughout Cambodia. It focuses primarily on civil and political rights and on a variety of interlinked human rights issues. Kem Sokha left the organisation in 2005 to found the HRP as another of those parties that emerged from a social movement. At the time of its foundation, the party claimed to have between 200,000 and 500,000 members nationwide.

The HRP was the first party in the country to introduce a system of checks and balances for its internal procedures in order to keep the dominance of the party leader in check. It was also the first party whose main leaders were elected by convention. Not least because of these efforts towards internal party democracy, but above all because of its clear opposition stance against the government, the HRP became the second most important opposition party next to the SRP in a few years. In the 2008 parliamentary elections it received 6.6% of the vote and in the 2009 local elections it increased its share to 9.9% of the vote. Before the next parliamentary elections, it gave up its independence and founded the Cambodia National Rescue Party (CNRP) together with the SRP and other smaller opposition parties in 2012. The former leader of the HRP, Kem Sokha, became the leader of this new party. The party believed in the strengthening of freedom and human rights, the institution of free and fair elections, and the defence of Cambodia's „national integrity“.

In the 2013 elections, this new united opposition party achieved a 44.5% share of the vote and won 55 parliamentary seats. The ruling CPP lost 10 percentage points and 22 seats. It still got 48.8% of the vote and 68 seats in parliament. Despite this electoral success, Sam Rainsy contested the result and accused the ruling party of electoral fraud. The opposition then boycotted parliament from September 2013 to July 2014.

Prime Minister Hun Sen and the CPP clearly felt threatened by the election results. This is demonstrated by the fact that CNRP leader Kem Sokha was arrested in September 2017 on charges of preparing a foreign-backed coup attempt and the ouster of Prime Minister Hun Sen. Additionally, only two months later, the CNRP was dissolved following a ruling by the Supreme Court of Cambodia. Consequently, all CNRP office holders, including 489 commune chiefs (out of 5007 elected commune councillors) and 55 MPs, lost their positions and had their seats allocated to other parties. Furthermore, 118 senior party officials were banned from politics for five years. About half the party's former MPs had already fled Cambodia by October out of fear of arrest by the ruling CPP. The forced dissolution of the CNRP prompted condemnation and calls to reverse the decision from the international community.

In January 2018, Rainsy, together with other exiled leading members of the disbanded CNRP, launched the Cambodia National Rescue Movement (CNRM). However, this initiative did not find undivided support among members of the CNRP, especially those from the former HRP, because they feared a new split in the party that also could put its chairperson Kem Sokha at increased risk. Sam Rainsy was admittedly elected acting president of the party in December

2018 by an international conference held in the US until Sokha's release. But the Kem Sokha faction boycotted that party conference as well as the election of the chairperson as unacceptable and contrary to the party's statutes.

Not least because of the divide and dissent within the opposition and the previous ban of the main opposition party CNRP, Hun Sen and his CPP did win by a landslide in the 2018 general election, gaining all 125 seats in the National Assembly. With the absence of credible opposition, the elections were viewed as a formality and dismissed as sham elections by the international community. Despite calls to boycott the election, voter turnout was alleged to be 83%.

The opposition seems to have no chance of winning an election neither at the national nor at the local level. As a result of the regulatory constraints for opposition parties, former loyalties to individual political camps have now softened or disappeared altogether. This is especially true of the royalists as a political force. In 1993, their party did manage to win a relative majority and appointed its late Prince Norodom Ranariddh as the First Prime Minister of Cambodia in the subsequent coalition government with CPP. However, after the 1997 coup, Ranariddh was forced into exile. Although he returned in 1998 and continued to be politically active, he could not prevent his party from a continuous decline.

For the 2018 national election, around twenty parties had been registered with the Ministry of Interior. After the election, however, only five to six continued to be operational, only three of which have had national and provincial programmes and offices. In the 2017 commune elections, only seven parties won seats at the commune councils but the main opposition party (CNRP) was dissolved afterwards, with all their commune's seats (representing almost 50% of popular votes) were added to those of the ruling parties (by decision of the Supreme Court).

Apart from the ruling party, only two others – the League for Democracy Party (LDP) and the Grassroots Democratic Party (GDP) – have national and sub-national structures and regular meetings with their members and other citizens. However, both are considered to be minor parties. In the 2018 national election, LDP received 4.9% of the votes but did not win any seat in the National Assembly. GDP's share of votes was only 1.1%. Other registered parties are generally only active for a few months before the elections and tend to be quiet between elections. Moreover, in early March 2022, LDP announced that due to new restrictive procedural measures put in place by the National Election Commission (NEC), it decided not to contest the 2022 commune elections. Such a withdrawal further eroded the credibility of the NEC.

Nevertheless, and although Sam Rainsy and Kem Sokha are still banned by court rulings from political activities, their closest loyal collaborators are widely viewed by the general public as running in their names. Thach SETHA, very close to Sam Rainsy, was the President of the Candlelight Party (CLP), and Pol Ham, very close to Kem Sokha, was the President of the Cambodian Reform Party (CRP), and both competed in the June 2022 commune elections. The presence of these two parties demonstrated two things: the split between Sam Rainsy and Kem Sokha is now complete, and CNRP – the former strong opposition party created by both Sam Rainsy and Kem Sokha – is recognised by opposition members as belonging to the past.

THE HEGEMONY OF THE CPP

Formally and with regard to the large number of registered parties, Cambodia does have a multi-party system. However, it remains a hegemonic party system, „in which a relatively institutionalised ruling party monopolizes the political arena, using coercion, patronage, media control, and other means to deny formally legal opposition parties any real chance of competing for power“ (Diamond 2002: 25). The CPP has not only continually expanded its control of the electoral process, but through its form of government and control of the judiciary and media, it has virtually robbed all other parties of any chance of electoral success. Even though many parties compete in elections, these cannot be considered fair due to the persecution of opposition leaders and the restriction of the freedoms of expression and the press.

The CPP is by far the most organised and institutionalised party in the country. Its main organs are the Standing, Permanent and Central Committees. The Standing Committee has seven members, the Permanent Committee has 34 members, and the Central Committee has about 300 members. Party discipline is very strict and is observed much more strictly than in other parties. Party resignations are rare. Despite the clear dominance, there are also intra-party factions. Nevertheless, the leadership role of Hun Sen is not questioned. Until 2015 he had „only“ been vice-president of the party and vice-chairman of its Permanent Committee. Since then, he has been the party leader. It is not clear if his son will succeed him in the leadership of the party when he assumes office as Prime Minister. Upon the inauguration of the new party headquarters in Phnom Penh, CPP spokesperson Sok Eysan affirmed that the party has six million members.² This cannot be verified. The new building is immense and seems to express the intention of the party to rule for many more years. However, it does not seem to be

2 www.voacambodia.com/a/ruling-party-new-headquarters-funded-by-members-and-costs-40m-cpp-spokesperson/5409707.html (access 13.03.2022)

particularly operational, because no regular activity within the building has been observed so far. In any case, the party is well-rooted and connected to society all over the country. There are party branches in nearly each village. Its capacity to mobilise members and followers is confirmed by the registration of 28,031 candidates in all 1,652 communes across the country, among whom 7,270 are women.³ This certainly suggests that the CPP is well-connected with the people of the country and are well aware of the attitudes and expectations vis-à-vis the government. Although the local branches of the party have some influence on the decisions of local party chairmen and candidates, the central party headquarters exercise strict control over all party affairs, including the selection of candidates for local and national elections. Party members take no real part in decisions concerning party leadership or the election of national leaders. Intra-party democracy does not seem to exist within the CPP or in most other parties either.

The CPP's structure is a top-down approach from national to sub-national levels. All members have their upward voice through official committees in villages, communes, districts, provinces, the Central Committee, and the Standing Committee. Formal party consultation forums are organised at the commune, district and province levels. Such forums are responsible for receiving complaints from members and providing appropriate support.

For non-party members, the sectoral administrations, especially at sub-national level, have been organising various forums in collaboration with CSOs/NGOs where citizens can raise issues relating to their daily lives. Those forums tend to focus more or less on developmental and non-sensitive issues. For advocacy activities and issues relating to good governance in general, and human rights in particular, citizens and especially the youth prefer to use social media to voice their concerns/complaints. For the last two years, this approach has proved to be very effective because the Prime Minister and Deputy Prime Minister have had their cabinets systematically follow up those voices from the people. In private circles, the Prime Minister uses this to say that this is a direct democracy, and that he becomes aware of citizens' complaints more from social media than from official reports.

The CPP's central goal is to maintain its role as a hegemonic party, that is to continue to monopolise political power. Therefore, it is careful to maintain control not only over the national election administration, the 24 provincial election committees, and the 1,652 commune electoral committees, but also over other institutions and organisations that could threaten this hegemonic role. The media are subject to strict state regulation and control. Freedom of

3 www.khmertimeskh.com/501036740/17-parties-register-to-do-battle-in-commune-election/ (access 13.03.2022)

the press does not exist in the country. The main media are in the hands of people or companies close to the government. The internet and social media are also monitored, although the capacities of the state are not sufficient for complete control. Because the regime wants to maintain the appearance of an open and democratic society to the outside world and because it depends on international development aid, media control is not exercised with the same ruthlessness as in Vietnam or China, for example. Not least because of deference to the international donor community, CSOs also enjoy some room for manoeuvre, especially if they do not pursue political issues or a political agenda. Nevertheless, they too are submitted to strict state regulations.

The CPP owns almost all the media in Cambodia. The internet is relatively free for now. Facebook seems to be the main media tool used by the people and active citizens. Live video information and “citizen journalists” are becoming more and more popular among audiences, especially youth audiences. In a country where the political opposition voice has been shut down, Facebook, as a social media, is now becoming an increasingly political media, not only for the general public and social activists, but also for the government and the ruling party leaders. For example, government leaders increasingly rely on Facebook to be informed about good governance within state agencies, rather than on the bottom-up official channels. The Ministry of Interior has created a special Facebook page to collect all kind of complaints from citizens on service delivery. It provides a monthly summary on the cases received, the already-resolved cases, and the pending cases. In terms of communication platforms, applications like WhatsApp, Signal and Telegram are becoming more and more popular. Telegram group chats are the most-used by different government agencies both at national and subnational levels. International news agencies like VOA (Voice Of America), RFA (Radio Free Asia) and RFI (Radio France Internationale) are among the most-appreciated by Cambodian audiences for receiving political news, whereas state media is completely ignored by the public and viewed as being too biased towards the ruling party and the government.

The government claims to have advanced the modernisation of the country. However, this contrasts with the assessment that „government leaders have been unable to implement policy decisions successfully. Their ministries have remained technically inefficient, corrupt, and politically weak“ (Peou 2011: 97). There are numerous allegations of corruption, not least against Hun Sen and his family. State institutions are generally considered corrupt and inefficient. The security forces of the military and police are also affected. Attempts at institutional reform in these areas have failed. The police are considered one of the most corrupt institutions in the country. Corruption is repeatedly criticised by CSOs and there are numerous anti-corruption initiatives.

The CPP, nevertheless, does not exclusively rule with coercion or authoritarian measures. Since the dissolution of the main opposition party, the ruling party has made tremendous efforts to respond to the needs of the people, particularly as far as the implementation of development activities are concerned. Programmes like OWS (One Window Service) have been expanded from just a few districts in some provinces to major districts in all 25 cities and provinces. Additionally, the ISAF (Implementation of the Social Accountability Framework) programme targets the three core public sectors – Education, Health and Administrative Services – where citizens do have a say in demanding transparent and accountable services, and the programme has become so successful at the commune level that it has now been upgraded to reach the district level. While cooperation between state agencies and CSOs is smoothly run in the development sector, human rights issues are still considered by the people as very politically sensitive and create general fear among NGOs working in the areas of good governance, democratic process, natural resources protection, and human rights (including in the labour sector). This is due to the arrests and imprisonment of young activists and some leaders of workers' unions. Those human rights NGOs' staff who continue to nurture relationships with former opposition leaders have been intimidated, harassed and even imprisoned.

The issue of land-grabbing (the illegal or at least illegitimate appropriation of land by locals or foreign investors) seems to have lost importance in the meantime, after having been one of the central motives for conflict in rural areas for some years. Today, conflicts between environmentalists and local landowners or the government have become more severe, and violent clashes occur again and again.

Parliament and the judicial system are also subject to government control. The role of parliament is essentially to rubber-stamp the government's decisions. Many laws are even passed by ministries and government decrees without the consultation and approval of parliament. Parliament has repeatedly lifted the parliamentary immunity of opposition politicians who have been inconvenient to the government, such as opposition leader Sam Rainsy, whose immunity was lifted twice in 2009 alone in order to prosecute him for disagreeing with the government's position on the Vietnam border.

As stated previously, the agenda of the parliament is decided by the ruling party and its president, who is also Prime Minister of the Government. Most of the time, the government sends new bills to the parliament only a few days before the full session's "debate". In any case, MPs tend to be there not to debate but simply to raise their hands to adopt the proposed laws. It

is very rare that the nine specialised commissions of the parliament have enough time to seriously review the proposed bills, and they have even less time to organise proper consultation with relevant CSOs or the public.

The judicial system is also highly politicised and serves to defend the CPP's claim to hegemony. CPP leaders have always won their lawsuits, while anti-government lawsuits have almost always failed. Most judges and prosecutors are appointed on the recommendation of the CPP. The President of the Supreme Court is a member of the CPP's standing, permanent and central committees.

It is difficult for CSOs and other social institutions to escape such extensive state apparatus control. Important businesspeople and business leaders are close to the government and live off government contracts. Business tycoons with close ties to Hun Sen have repeatedly been elected to the Senate.

Since the dissolution of the main opposition party (the CNRP) by the Supreme Court in November 2017, Cambodia has become a de facto one-party system, even though the constitution stipulates a multi-party system. Although the constitution guarantees the separation of powers between the Executive, the Legislative and the Judiciary, in fact the Executive Branch, headed by Prime Minister Hun Sen, absolutely controls the other two branches of the state. He is the political decision-maker of the country.

CIVIL SOCIETY ORGANISATIONS

The emergence of civil society in Cambodia can be traced back to the post-conflict reconstruction period that followed the 1991 Paris Peace Agreements (Öjendal 2014; Coventry 2017; Norén-Nilsson 2018). Since international cooperation played a major role in the development of the country and international NGOs were also considerably involved, the proliferation of local CSOs was significantly stimulated and shaped by this. After they were initially active mainly in the capital Phnom Penh and a few other cities, the international and local CSOs began activities in rural areas from the end of the 1990s. In the early 2000s, there were so-called local community-based organisations all over the country. These were usually dominated by a few individuals, often local officials. As a rule, the establishment of such local organisations was initiated by national CSOs, which in turn had the support of international CSOs. The local organisations usually had a rather non-political agenda and were mainly active in the field of

social services. After international attention and financial support for Cambodia gradually declined and international CSOs also had less funding, local CSOs also dried up in many places. However, some initiatives live on in many places, such as the local saving groups.

For a long time, the establishment of a CSO was quite simple and not bureaucratic. Article 42 of the Cambodian Constitution guarantees the freedom of associations. This had been the legal basis for the establishment of numerous civil society organisations. In July 2015, however, the Royal Government adopted LANGO (Law on Associations and Non-Governmental Organisations), which seriously imposes restrictions on the activities of NGOs. Specifically, it became a requirement to report on the sources of funding, and to provide a detailed annual report of their activities. Additionally, during the registration of CSOs with the Ministry of Interior, an NGO is required to have the names of the board members, three names of senior management (Executive Director, Financial Coordinator, and Programme Coordinator), and the internal rules especially relating to procurement Policy.

Since 1993, NGOs have provided thousands of workshops, seminars, and conferences of all kinds to Cambodian people, to raise their awareness and knowledge of their legal rights and key matters of good governance, such as transparency and accountability in public services. In recent years, CSOs have tremendously influenced the thinking and activities of citizens – particularly the youth – in regard to effectively using social media to denounce multi-level corruption of government officials, especially concerning natural resources.

NGOs provide democratic participation opportunities to their members and to the general public. They do this through basic legal training and awareness, sharing of key information with the public, and public exposure on social media of corrupted officials. Many government reforms in term of policy framework have been quietly inspired by that kind of dynamic CSO engagement, although the government fails to recognise this (or perhaps only privately among trusted people).

The number of CSOs is difficult to estimate because there is no reliable official data. According to the Ministry of Interior, as of 2021, there are around 5,700 NGOs formally registered, but only around 1,000 continue to have activities. Since the dissolution of the main opposition party in November 2017, many development partners have terminated or significantly reduced their aid programmes to Cambodia. Consequently, many NGOs have seen their funding dry up year after year. COVID-19 has exacerbated this already painful situation for NGOs.

The high number of NGOs include approximately 400 trade unions alone, as well as a large number of other organisations like the so-called „traditional associations“ in villages. These are, among others, Buddhist organisations that gather as a kind of church congregation around a pagoda and promote social activities. However, this only applies to a part of such pagoda communities.

Trade unions are the CSOs with the highest number of affiliates. The textile sector has the highest level of organisation. According to estimates by the International Labour Organisation, about 60% of the approximately 295,000 textile workers were members of a trade union in 2010. However, there is no unity among the unions. Some are largely independent, while others are under the influence of the government, and there are numerous conflicts between the individual organisations.

Regarding thematic fields and activities of CSOs, it can be estimated that around 20% of active NGOs are operating in the sensitive fields of democracy, human rights and good governance. Many of them have been put on the “blacklist” of the government for close monitoring. The remaining 80% are working in the field of development, which is usually accepted by the government both at national and sub-national levels.

In general, human rights associations, NGOs working in development, and trade unions work in the interests of the people. Micro-financial institutions generally operate in their own interests, profiting from people’s low level of education and ignorance on complex legal frameworks.

Among the most influential CSOs are the Cambodian Human Rights and Development Association (ADHOC), the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), and the Cambodian Center for Human Rights (CCHR). These are very active on human rights issues, providing people with countless training courses and awareness raising campaigns. Additionally, they have various talk shows broadcast live on Facebook. Transparency International Cambodia (TIC) is another very well-known organisation, working on corruption and good governance programmes.

The Cambodian Center for Independent Media (CCIM), the journalists’ association CamboJA, and Fresh News operate in the media sector. The CCIM is very active in providing information to the public, but is known as being anti-government. CamboJA is a newcomer but is known

as a truly independent media institution providing various key training programmes to young journalists. Apparently, this organisation is well-funded. Fresh News seems to be the mouth-piece of the Prime Minister.

The Arbitration Council Foundation (ACF) is registered as a CSO and provides technical and managerial services for the Arbitration Council (AC). The Collective Union Movement of Workers (CUMV), the Cambodian Alliance of Trade Unions (CATU), and the Cambodia Labour Confederation (CLC) operate in the labour sector and organise strikes in factories.

In general, the aforementioned CSOs are considered well-established, have very good reputations, and are trusted by their members. They are also well-respected by all government agencies for their professionalism. Nevertheless, the cooperation with the government tends to be very tense because of the nature of their activities. Nevertheless, the linkage has always been well-maintained. Many government high-ranking officials and MPs have regularly been invited to speak at forums organised by those CSOs. However, their scope of action remains limited by governmental regulations.

The three most controversial laws that continue to be points of hard advocacy for CSOs are the Anti-Corruption Law, LANGO, and the Trade Union Law. Another draft law in preparation is also subject to very tense arguments between the government and CSOs: the Access to Information Bill. They have currently been drafting the law for more than ten years. In terms of the Anti-Corruption and Trade Union Laws, there is little progress. The hard advocacy from CSOs on LANGO has significantly provided much more space to NGOs and CBOs operating at the sub-national level, as well as for the human rights sector.

Despite such advocacy activities, medium- and small-sized NGOs are in danger of disappearing in the next few years due to a shortage of funding. The post-COVID-19 impacts will certainly be very serious for CSOs. A few NGOs are conducting some preliminary assessments and evaluations of that situation.

CIVIL SOCIETY AND THE STATE

The relationship between CSOs, the state, and the government is ambivalent. On the one hand, many CSOs perform state functions or support the state in the exercise of its functions. This includes the promotion of rural development, medical services or various poverty reduction measures. On the other hand, such organisations that advocate for issues of governance, transparency and human rights are viewed critically by the government. Youth organisations and trade unions are often the target of co-optation by state authorities or even the ruling party CPP.

As political freedoms have become increasingly restricted and the authoritarian nature of the regime has solidified, measures to chain CSOs to the government or ban them have also increased. An important basis for this was created by the LANGO, which allows the government to restrict the rights of association and expression of CSOs or to ban them altogether. Even criticism from the United Nations and international NGOs could not persuade the government to change its mind. Three quarters of a year later, in April 2016, a Law on Trade Unions was passed that also restricted the trade unions' freedom and scope of action. The government defended the law, claiming that it would strengthen trade unions. But trade union leaders and human rights activists criticised the law for weakening independent unions and protecting pro-government unions.

Some observers of CSOs in Cambodia see a connection between the decline in foreign aid and the increase in government restrictions. Due to fewer grants and attention from abroad, the CSOs are less protected, they say. The state – and that always means the CPP – therefore tries to control the CSOs more because they are perceived as competitors for political power. It is true that many services provided by CSOs are also recognised by the state, especially in those areas where state services are supported or even taken over completely. But this also promotes the interest of state authorities in strict control of CSOs.

As much as this may be true at the national level, it has also been observed that at the decentralised level (i.e., in regional administrations and municipalities) there is a greater openness towards CSOs and cooperation with them, especially when they deal with local issues and problems (Sivhuoch and Sedara 2013).

RELATIONS BETWEEN POLITICAL PARTIES AND CIVIL SOCIETY ORGANISATIONS

For decades, Cambodian people have linked democratic political participation to gifts provided by the ruling party, which most of the registered parties do not have the resources or even the capacity to match. One of the main opposition parties, the LDP, has used extreme critical rhetoric against the ruling party's practice of mobilising supporters via the distribution of gifts during election campaigns. Not least because of this disadvantage, fair competition is substantially hindered. The LDP announced in early March 2022 that they would not participate in the 2022 commune elections. In contrast, the GDP has strongly advocated for upward democracy by using agricultural issues to promote grassroots people to the democratic life of the country based on their daily interests: their agricultural products. For now, the LDP has very few resources to really respond to the high demands from the grassroots people whose majority still link their support to a party based on the material interests they have received from that party. It is also true that voters have become smarter and smarter by voting for one party while receiving gifts or donations from another.

As far as daily life needs are concerned, people tend to rely more on CSOs and CBOs who have been equipped by donors to adequately respond to people's needs in term of development services, training and awareness raising campaigns, information dissemination, basic legal understanding and free legal assistance in case of conflicts with powerful or rich parties.

CSOs, on the other hand, do not pay high respect to political parties. In their eyes, many parties have been established just to gain a small share of power and to satisfy the personal interest of their leaders but without any real people's interests in heart. As they are very suspicious of political parties, CSOs tend to avoid them. This distance between CSOs and political parties is also caused by the fact that leading members of political parties are prohibited by law to be active members or even leaders of CSOs.

Since the promulgation of LANGO in 2015 and especially since the dissolution of the CNRP – the biggest opposition supported by almost 50% of the people in the country – CSOs are scared to openly cooperate with political parties. Before that there had been more open or direct cooperation between CSOs and political parties to promote peoples' democratic participation. Nevertheless, since social media is still relatively free, political parties try to spread information like research results or evaluation of government programmes undertaken by CSOs, particularly when those papers are scientifically sound, supported by facts and objec-

tive analysis. The common thematic fields for mobilising citizens between CSOs and political parties are corruption, grabbing of natural resources, and abuse of power by influential people linked to the ruling party.

During electoral campaigns, CSOs stay away from political activities and support of political parties. However, during the official election campaign period (15 days for commune elections and 30 days for national elections) they can organise workshops and seminars on the election process – including debates among parties’ candidates – hence connecting parties and citizens/voters.

The ruling party is very cautious about the role of CSOs in promoting political participation of citizens. Other parties cannot do that because of LANGO, and they do not have enough resources to do it regardless. It is also very controversial that, by law, CSOs cannot conduct any so-called “political activities”. However, CPP-affiliated CSOs like the Union Youth Federations of Cambodia (UYFC) – run by Hun Many, the second son of Prime Minister Hun Sen – openly conduct political activities, including in schools. The Council of Ministers (COM) has even created a CSO called the Civil Society Alliance Forum (CSAF), with its main office located at the COM itself. Even the Ministry of Interior was not informed about CSAF’s creation, and one Secretary of State in 2021 called this “the politicisation of civil society”.

At the open consultation process organised by specialised commissions of the National Assembly, political parties and key relevant CSOs have been apparently joining hands to fight against some provisions of the Access to Information Bill, but without advanced preparation or consultation among them before reaching the floor of the National Assembly. CSOs, however, are not allowed to co-organise public forums with political parties and vice versa.

CONCLUSION

In Cambodia, there are many CSOs working for political causes such as the respect for human and political freedoms, transparent governance, and the fight against corruption. However, their influence is limited. On the one hand, their room for manoeuvre is squeezed by state restrictions. On the other hand, their voice remains weak because those organisations that represent local or sectoral concerns receive greater attention with their issues that are aimed at improving people's immediate living conditions. The powerlessness in the face of the ruling apparatus, but also the weakness of the opposition parties, which are unable to present themselves as a political alternative, contributes to this low regard for the work of politically-active CSOs. The control of the media by the state apparatus and the ruling party makes it even more difficult for them to reach a broader public with their issues. On the part of the ruling party, a generational change is being prepared that will lead to a replacement of the old ruling elite in the next five years. Long-time Prime Minister Hun Sen has already positioned his son as his successor. Therefore, little will change in the structure of the ruling apparatus. The political framework for politically-active CSOs will remain difficult. But as long as there is the possibility, they should be supported in their work so as not to extinguish the flame of democracy completely.

Case Study of Philippines



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INTRODUCTION

The paradox of Philippine politics is that despite its long tradition of institutionalised democratic practices, a history of popular struggles, and a vibrant civil society, Philippine society has engendered an elitist and clientelistic democracy embedded in an underdeveloped economy. Social movements and political parties are two distinct organisational vehicles for collective political action. Each operate within its space in the state-society continuum.

Social movements are largely active within society while political parties essentially contest power within the state. Social movements and political parties have generally been regarded as separate, but they are in fact deeply associated within the spectrum. Social movements often shape electoral competition and party politics, in part because new parties can also be created from social movements. Unlike political parties, however, social movements cannot field candidates. Political parties and social movements are therefore complementary institutions. One cannot replace the other. Parties can evolve into mass-based social organisations. Electoral democracy in many countries is itself the result of the actions of social movements.

This paper asserts that Philippine politics have historically functioned as a dual platform for elite party politics and popular participation through civil society organisations (CSOs). This assertion is based on a state-in-society perspective. In this view, societies affect states as much as, or possibly more than, states affect societies (Migdal 1994).

A CENTURY OF PARTY POLITICS

Political parties have existed in one form or another since the first party system (1900–1941), dominated by the Nacionalista Party (NP), was established under the tutelage of the American colonial regime. Soon after, a formal two-party system (1946–1972) buttressed the post-colonial liberal democratic regime with the NP and the Liberal Party (LP) alternating in power.

This system was destroyed by Ferdinand Marcos and replaced with a one-party dictatorship (1972–1986) under his Kilusang Bagong Lipunan (KBL) party. The restoration of formal democracy in 1986 saw the emergence of a fluid multi-party system (Teehankee, 2020).

As of 2018, there are 169 political parties registered with the Commission on Elections (COMELEC). These parties are classified as national (45), regional (32), provincial, city/municipal (33), and district (4). Of this number, only ten political parties are considered competitive both at the national and local levels of government. The COMELEC lists the major parties as (Teehankee 2020):

1. Partido Demokratikong Pilipino-Lakas ng Bayan (PDP-Laban)

2. Nacionalista Party (NP)

3. Nationalist People's Coalition (NPC)

4. National Unity Party (NUP)

5. Lakas-Christian Muslim Democrats (Lakas CMD)

6. Liberal Party (LP)

7. United Nationalist Alliance (UNA)

8. Laban ng Demokratikong Pilipino (LDP)

9. Aksyon Demokratiko (Aksyon)

10. Workers and Peasants Party (WPP)

PARTY STRENGTH AFTER THE 2019 ELECTIONS

The 2019 elections tested and consolidated the political strength of Rodrigo Duterte as the country’s populist strongman president. Most of the national and local candidates he endorsed won their contests for the 18,066 national and local positions. The election also resulted in a victory for the administration’s nine senatorial candidates (out of 12 seats) and a majority of its governors, mayors, and local legislators. The tables below present the election results for the Senate and the House of Representatives.

Table One: Election Results for the Senate, May 2019

Party	Total Votes	% Votes	Seats	% Seats
PDP-Laban	76,712,223	21.2%	4	33.3%
NP	60,955,374	16.9%	3	25.0%
NPC	31,279,191	21%	1	8.3%
Lakas CMD	22,240,710	8.7%	1	8.3%
LDP	18,161,862	6.2%	1	8.3%
UNA	14,974,776	5.0%	1	8.3%
Independent	22,029,788	4.1%	1	8.3%
Others	115,197,233	6.1%	0	0
Total	361,551,157	100%	12	100%

Source: Commission on Elections 2019

Table Two: Election Results for the House of Representatives, May 2019

Party	Total Votes	% Votes	Seats	% Seats
PDP-Laban	12,653,960	3.5%	82	33.7%
NP	6,524,100	1.8%	42	17.3%
NPC	5,797,543	1.6%	37	15.2%
NUP	3,852,909	1.1%	25	10.3%
LP	2,321,759	0.6%	18	7.4%
Lakas	2,069,871	0.6%	12	4.9%
Independent	2,014,211	0.6%	2	0.8%
Others	5,290,013	1.5%	25	10.3%
Total	40,524,366	11%	243	100%

Source: Commission on Elections 2019

ADMINISTRATION AND OPPOSITION PARTIES

The ruling coalition under the presidential administration of Rodrigo Duterte is composed of the PDP-Laban, NP, NPC, Lakas CMD, LDP, and PMP. The opposition coalition is led by the LP in alliance with Aksyon Demokratiko, Partido Magdalo, and Akbayan. The Makabayan bloc is composed of the main left-wing party-list organisations. Recently, the Makabayan bloc formed a coalition with the LP-led opposition called 1Sambayanan (One Nation) to contest the upcoming 2022 national elections.

MAJOR PARTIES

Based on recent election results, the five major political parties in the Philippines are the PDP-Laban, the NP, the NPC, and the NUP. The LP, the ruling party for six years of the previous Aquino administration has been decimated by defection to the new ruling coalition supportive of the Duterte administration.

Partido Demokratiko Pilipino-Lakas ng Bayan (PDP-Laban)

The PDP-Laban was forged in the struggle against the Marcos dictatorship. In its earlier incarnation it was a promising progressive political party rooted in social democratic ideology and organised by a cadre of seasoned activists. It was the first electoral party to require ideological training before accepting members. It was the de facto political party of Corazon Aquino during the 1986 snap presidential election and was the majority party in the early part of the Cory administration. It suffered its first major setback in 1991 when a major faction split to form a new party – the Laban ng Demokratikong Pilipino (LDP).

The party was weakened for decades and became a minor player in Philippine politics until it successfully fielded Rodrigo Duterte to the presidency in the 2016 election. As in previous administrations, droves of national and local politicians switched parties to join the PDP-Laban. It won a dismal three seats in the House, but its membership swelled to more than 200 to form a “supermajority” after Duterte was elected president. In the 2019 midterm elections, the party won 4 national positions (senators) and 5,760 local positions (district representatives, governors, vice governors, mayors, vice mayors, and local legislators).

Nacionalista Party (NP)

The Nacionalista Party (NP) is the country’s oldest party. It was founded in 1907 as a merger of Filipino nationalist parties advocating for immediate independence from American colonial rule. The NP dominated electoral politics throughout the colonial period. It continued its dominance from the inauguration of the Commonwealth government in 1935 until the establishment of the Third Philippine Republic in 1946. However, the party’s structure followed the elitist electoral process and was therefore elitist.

In 1946, a major faction split from the NP to form the Liberal Party. The rivalry between the two parties dominated Philippine politics from 1946 until 1972. Both took turns in capturing the presidency, controlling both chambers of Congress, and winning local government seats. Fer-

dinand Marcos, who was earlier affiliated with the LP, was elected president under the NP. The bulk of the membership of both parties was absorbed by Marcos' new party – the Kilusang Bagong Lipunan (New Society Movement, KBL) after he placed the country under martial law. A faction of the NP stayed with the political opposition. The party was revived after the fall of the Marcos dictatorship. Under the leadership of billionaire politician Manuel Villar, the party has grown in size and influence and currently is the second largest party in the country. Aside from having served as House Speaker and Senate President, Villar is currently the richest man in the Philippines. In the 2019 midterm elections, the party won 3 national positions (senators) and 2,682 local positions (district representatives, governors, vice governors, mayors, vice mayors, and local legislators).

Nationalist People's Coalition (NPC)

There were several attempts to revive the moribund NP in the early post-Marcos period. The post-Marcos NP was divided into four factions. Attempts were made to unify all factions of the NP in 1991. These attempts failed because of the ambitions of the faction leaders to be the NP presidential nominee in the 1992 presidential election. One of the factions, led by billionaire politician and Marcos crony Eduardo Cojuangco, formed the Nationalist People's Coalition (NPC) (Teehankee 2020).

The NPC has maintained its strength and numbers and has consistently served as a junior partner to most presidential administrations. Ideologically, it can be considered a right conservative party. The party is now identified with Cojuangco's protégé Filipino-Chinese billionaire Ramon Ang. Currently, it is the third largest party in the country. In the 2019 midterm elections, the party won 1 national position (senator) and 1,908 local positions (district representatives, governors, vice governors, mayors, vice mayors, and local legislators).

National Unity Party (NUP)

The National Unity Party (NUP) was formed in 2010 by members of the Kabalikat ng Malayang Pilipino (Partner of the Free Pilipino, abbreviated to Kampi, the Tagalog word for „ally“). Kampi was founded by former president Gloria Macapagal Arroyo and was merged with the Lakas Christian-Muslim Democrats (Lakas CMD) to form the Lakas-Kampi CMD in 2010. Soon after, the merged party split into three factions after it failed to win the 2010 presidential elections (Teehankee 2020). Members of the original Kampi then formed the NUP and allied with the winning coalition. Similar to the NPC, it has become a reliable junior partner of incumbent administrations. The party is said to be supported by billionaire Spanish-Filipino Enrique Razon

Jr. – the second richest man in the Philippines. In the 2019 midterm elections, the party won 1,376 local positions (district representatives, governors, vice governors, mayors, vice mayors, and local legislators).

Lakas Christian-Muslim Democrats (Lakas CMD)

The Lakas Christian-Muslim Democrats (Lakas CMD) was the country's most dominant party from 1992 to 2010. The party was founded in 1991 as a merger between the Lakas ng EDSA (Power of EDSA) and the National Union of Christian Democrats (NUCD). Later it would also absorb the Union of Muslim Democrats of the Philippines (UMDP) to form the Lakas NUCD-UMDP (Teehankee 2020). For the 2010 presidential elections, Arroyo engineered the merger of Lakas with her original party Kampi to form the Lakas Kampi CMD (LKC). The party would be decimated and weakened by party switching as a result of its devastating defeat in the 2010 presidential elections. Currently, it has slid down to the fourth largest party in the country. In the 2019 midterm elections, the party won 1 national position (senator) and 680 local positions (district representatives, governors, vice governors, mayors, vice mayors, and local legislators). The party used to be one of the ideological parties in the country advocating Christian-Muslim democracy. It has lost its ideological integrity through the years and has deteriorated into a patronage-based machine party.

PROGRAMMES AND IDEOLOGIES

A multitude of political parties have come and gone in Philippine political history. Yet, party institutionalisation in the country remains weak and underdeveloped. Political parties in the Philippines are personality-based organisations largely organised around dominant local political clans and warlords. They are anchored in clientelistic, parochial, and personal inducements rather than in issues, ideologies, and party platforms (Teehankee 2015). There have been efforts in the past to promote political education and ideological orientation among some mainstream parties such as the Liberal Party, Lakas CMD, and the PDP-Laban. These efforts were supported by German political foundations such as the Friedrich Naumann Foundation, the Friedrich Ebert Foundation, the Konrad Adenauer Foundation, and the Hanns Seidel Foundation.

While it appeared that local party efforts to promote political and ideological education seemed promising, most of the pioneering institutes were eventually abandoned by the party leaders in exchange for patronage-oriented campaigns. For example, the National Institute for Policy Studies (NIPS), founded in 1989 by personalities identified with the second oldest mainstream party (the LP, founded in 1946), was disbanded by the party leaders in 2010 (ironically the year the party won the presidency). A new think tank spun out of NIPS – the Institute for Leadership, Empowerment, and Democracy (iLEAD) – but was independent of the party. Soon after, a new liberal foundation – the Center for Liberalism and Democracy (CLD) – was founded to meet the needs of the Liberal Party of the Philippines in terms of policy and research as well as training and capacity building. The defunct Institute for Development Research and Studies (IDRS) was one of the think tanks that supported the cause of Christian democracy (now relabelled centrist democracy) and its party the Lakas Christian Muslim Democrats (Lakas) in the 1990s. Currently, the Centrist Democracy Political Institute (CDPI) serves as the think tank of the Centrist Democratic Party of the Philippines (CDP) – a breakaway faction of the Lakas CMD. Other parties have formed their respective political think tanks and institutes but have not really invested in party member training and education. The current population of party institutes remains very small. Only two of the major mainstream political parties have their own party institutes, although at least another three had seen similar initiatives fizzle out since the mid-1990s (Teehankee et al. 2011).

PARTY ORGANISATION

Party membership in the Philippines is transient, fleeting, and momentary as most political parties are active only during election season. No actual data on party membership can be collected since political parties and the Commission on Election (COMELEC) do not keep accurate records of party membership.

The territorial coverage of all relevant parties is national in scope. National political parties are organised either at the regional or provincial levels. Local party branches extend to city or municipal levels. In most instances, ordinary party members have little influence on party decisions, which are usually made by higher party organs such as a national executive committee or national directorate composed of a select group of party leaders and personalities (Teehankee 2012).

Party members who have been elected to both houses of congress or to local government positions or have been appointed to cabinet or subcabinet positions are usually given seats in higher party organs. On paper, all the relevant party constitutions indicate the party congress, national assembly, or a variation thereof, as the highest decision-making body in their respective parties. In practice, however, the major decisions are made by a smaller group of party leaders and personalities sitting as a national executive committee or national directorate. The day-to-day activities of the party are usually overseen either by the party secretary general or executive director (Teehankee 2012).

PARTY FINANCE AND ORGANISATION

Party financing, especially electoral campaign financing, is largely derived from private donors (usually from the business sector). The Philippines does not provide any public financing or subsidies to political parties. Existing election laws only regulate party spending and contributions, also during the campaign period, and do not require political parties to file financial reports outside of the campaign period. Most, if not all, parties do not collect party dues from rank-and-file members. More often than not, the burden of financing the day-to-day activities of the party lie on elected party members who have access to state funds (i.e., pork barrel). It is also common for individual politicians who are viable presidential candidates to finance the entire operation of a political party (Teehankee 2012).

Almost all of the major political parties are financed through campaign donations and from membership dues collected from its elected members. The mainstream parties have arrangements with their elected members to automatically deduct part of their salaries. Usually, the non-elected rank and file members are not required to pay party dues and subsidised by their party leaders. The three top political parties are identified with the three richest billionaires in the country: Villar with NP, Ang with NPC, and Razon with NUP.

CITIZEN-PARTY LINKAGE

Citizen participation is the critical foundation upon which democracy is built. Political parties are vehicles for enabling citizens to engage and reconnect with the institutions and processes of democracy. Unfortunately, Philippine politics is characterised by weak citizen-party linkage. The weak party linkage in society results in a regular split and merger of political parties into ad hoc coalitions and the replacement of “democratic accountability” with “clientelistic accountability.” “Clientelistic accountability” represents a transaction, the direct exchange of a citizen’s vote in return for direct payments or continued access to employment, goods, and services” (Kitschelt and Wilkinson, 2007, 2).

PARTIES AND LEGISLATION

Philippine elections are patronage-driven, rather than policy- or ideology-driven, in the sense that the provision of material benefits is the main resource of politicians for courting votes. Patronage provisions include various types of activities, such as pork-barrelling, casework, and vote buying (Kasuya, 2009). Political parties in the Philippines have essentially been an amalgamation of vote-generating machines, oriented towards putting its leaders in government, gaining access to patronage, and generally securing the benefits of public office. The weakness of political parties has promoted the mobilisation of pork barrel and other state patronage by presidential administrations to push for their legislative agenda in Congress.

PARTY CAMPAIGNS AND MEDIA

Given the physical, financial and logistical impossibility of personally facing the electorate in a national campaign, media has emerged as the most efficient and cost-effective way for political party candidates to communicate with the public. Broadcast media (radio and television) has emerged as the primary source of news and information for the public. Broadcast media, with an audience reach in the millions, has supplanted print media, which is circulated in the hundreds of thousands. However, while broadcast media has the most audience reach, it tends to have the least substance since everything is reduced into two- or three sentence soundbites. On the other hand, print media offers substantial space for elaborate explanations (Teehankee 2010).

Within broadcast media, television has replaced radio as the source of information for the masses. Another emerging trend is the rise of digital and social media. Since the cost of political advertisement on the radio and TV has become exorbitantly high for most candidates, the Internet and particularly social media have become more cost-effective alternatives (Teehan-kee 2010). Rodrigo Duterte was the first to successfully utilise social media in a presidential campaign in the Philippines. Given the initial weakness of his political party, the PDP-Laban, his campaign depended on social media to boost his candidacy. Among the presidential candidates who utilised social media campaigning, Duterte's online presence was the most aggressive and intense, even using troll and fake accounts. Moreover, Duterte's supporters were not only committed to their candidate online but offline as well (Sinpeng et al. 2020).

PARTIES AND PUBLIC OPINION

In recent years, political parties have not been viewed favourably by the public as indicated in various surveys. A survey conducted by the Social Weather Station (SWS) in November 2006 revealed that 67% of respondents do not consider any political party as representing their welfare. In 2010, a Pulse Asia survey showed that a measly 1.3% of the public identified with any of the political parties.

This trend has changed slightly at least for the ruling parties of the past two presidential administrations. Looking at multi-year survey data from Pulse Asia will indicate that the LP (the ruling party under the second Aquino administration) averaged a 31.3% trust rating taken from 15 survey rounds from 2008 to 2019. On the other hand, the PDP-Laban (the ruling party under the Duterte administration) averaged a 40.4% trust rating taken from 10 survey rounds from 2016 to 2019.

A VIBRANT CIVIL SOCIETY

Civil society organisations (CSOs) are often described as groups that “operate outside of but interact with the state and the market” and are “voluntary, non-governmental and non-profit” (Abao 2011, 1-2). This description is usually meant to differentiate CSOs from both state institutions (government) and market institutions (business). In the Philippine setting, these CSOs are often classified as either non-governmental organisations (NGOs) or people’s organisations (POs). NGOs are service-and-development-oriented organisations while POs are interest-and-membership-based organisations. Both NGOs and POs often cater to marginalised and vulnerable populations. A brief history of these CSOs can be found in the ADB Civil Society Briefs Philippines (2013).

DEFINING CIVIL SOCIETY ORGANISATIONS

There is no singular, up-to-date, official count of CSOs in the Philippines. According to a joint publication of the Caucus of Development NGO Networks (CODE-NGO) and the Alternative Law Groups (ALG) (2016, 13), there are at least 261,762 registered CSOs in the country. The publication also claimed that 63% of the CSOs were non-stock non-profit organisations, 22% were labour unions, 9% were cooperatives, and 6% were homeowners’ associations. Data presented therein seem to be the latest data on CSOs. To update this data, one would have to peruse and mine the records of at least four government agencies where CSOs have to register:

- the Securities and Exchange Commission (SEC), for non-profit organisations;

- the Department of Labor and Employment (DOLE) for trade unions and workers’ associations;

- the Cooperative Development Authority (CDA), for cooperatives;

- the Housing and Land Use Regulatory Boards (HLURB), for homeowners’ associations.

The 1987 Constitution, however, protects all CSOs and not just those registered with the government. The constitutional right to free expression and assembly is applicable to all CSOs, regardless of registration status. The number of CSOs is thus much higher than those of registered CSOs.

LEGAL AND POLICY ENVIRONMENT OF CIVIL SOCIETY ORGANISATIONS

CSOs have to follow laws governing their particular sector, and rules and regulations set by government entities where they have to get registered. NGOs have to comply with SEC requirements that are guided by the Corporation Code of the Philippines (BP 86, 1980). Trade unions and workers' associations have to abide by the Labor Code of the Philippines (Presidential Decree No. 442, as amended, 1974) and DOLE directives. Urban poor associations and homeowners' associations have to abide by the Urban Development and Housing Act (UDHA) and the rules and regulations of the National Housing Authority and the HLURB. Farmers, meanwhile, have to follow the rules of the Department of Agriculture and Department of Agrarian Reform.⁴

The representation of CSOs at the local level is also mandated by the 1987 Constitution and the Local Government Code (LGC) of 1991. Article X, Section 9 of the 1987 Constitution states that "legislative bodies of local governments shall have sectoral representation as may be prescribed by law". Section 41-C of the LGC, meanwhile, stipulates that local councils must include representatives from sectors such as women, workers, youth, urban poor, indigenous cultural communities, and disabled persons.⁵ To date, however, except for the (legislated) representation of youth through the Sangguniang Kabataan Law (RA 10742), the implementation of the local sectoral representation provision is left largely to the discretion of the local chief executive and/or local sanggunian.⁶

4 For a more in-depth presentation of the legal and policy environments of these CSOs, please see Lydia N Yu Jose, 2011, *Civil Society Organizations in the Philippines, A Mapping and Strategic Assessment*

5 For a more thorough discussion of local sectoral representation under the LGC 1991, please see "Local Sectoral Representation: A Citizen's Guide", published by the Institute of Politics and Governance (IPG)

6 RA No. 10742, 2016, "An Act Establishing Reforms in the Sangguniang Kabataan Creating Mechanisms for Meaningful Youth Participation in Nation-Building, and For Other Purposes", <https://www.officialgazette.gov.ph/2016/01/15/republic-act-no-10742/>

CLASSIFYING CIVIL SOCIETY ORGANISATIONS⁷

Aside from the general classification of “NGOs” or “POs”, CSOs in the Philippines are often divided across sectors. These sectors represent particular segments of the population that have common demands vis-à-vis the government. Moreover, the National Anti-Poverty Commission (NAPC), the government agency mandated (by law, RA 8425) to assist marginalised populations, is organised into 14 sectoral groupings that are called “basic sectors”:

1. farmers and landless rural workers

2. artisanal fisherfolk

3. urban poor

4. indigenous peoples

5. formal labour and migrant workers

6. workers in the informal sector

7. women

8. children

9. youth and students

10. senior citizens

11. persons with disabilities

12. victims of disasters and calamities

7 The websites of all CSOs mentioned in this section can be found in the reference list

13. non-governmental organisations

14. cooperatives

Aside from being ‘sector-based’, CSOs are multi-tiered. They are also often organised along local (municipal, city, or enterprise), regional and national lines. The umbrella organisation CODE-NGO, for example, has counterpart aggrupations in the Visayas and Mindanao.⁸ Trade unions are also often organised as enterprise-level organisations affiliated to national federations and national labour centres.

CSOs are also often organised according to multi-sectoral lines, for the purposes of issue advocacy. Examples include the Freedom from Debt Coalition (FDC) that has been advocating for debt restructuring, the Alyansa Tigil Mina, an anti-mining coalition, and the Right to Know Right Now Coalition that has been pushing for the passage of a freedom of information law.⁹ Of late, the most prominent of these multi-sectoral, issue-based coalitions have been human rights groupings visibly in opposition to President Duterte’s war on drugs. Examples include the Philippine Alliance of Human Rights Advocates (PAHRA) and In Defense of Human Rights and Dignity Movement (I-Defend).

CSOs – especially those that are sector-based – are also often described as being part of a political spectrum, i.e., as having particular ideological leanings. In the women’s movement, the Gabriela Women’s Party (GABRIELA) is known to have links with the national democratic movement, while Pilipina is known to be an ally of the social democratic forces. In the labour movement, trade unions are often described as belonging to either the Kilusang Mayo Uno (KMU), touted to be part of the militant left and the national democratic movement, or the Trade Union Congress of the Philippines (TUCP), touted to be the most conservative among labour groups. The rest of the unions – like the Federation of Free Workers (FFW), Sentro ng Nagkakaisa at Progresibong Pilipino, Partido Manggagawa and Bukluran ng Manggagawang Pilipino (BMP) – are said to fall in between the two groups. Among farmers and fisherfolk, the same alignments are also observable: Kilusan ng mga Magbubukid ng Pilipinas (KMP) on the ‘national democratic’ side of the spectrum and Pambansang Kilusan ng mga Samahan ng Magsasaka (PAKISAMA) on the ‘social democratic’ left.

8 For more information on these sub-national groupings within CODE-NGO, see the CODE-NGO website

9 The websites and Facebook pages of all CSOs mentioned in this section can be found in the reference list

MOST INFLUENTIAL CIVIL SOCIETY ORGANISATIONS¹⁰

CSOs often influence society through interventions in formal policy-making and through raising public awareness about societal problems and their possible solutions.

At the time of writing, given the context of the Covid-19 pandemic, at least two CSO sectors can be considered the ‘most influential’.

The first sector is that of health professionals and health workers. In April 2020, the Philippine Overseas Employment Administration (POEA) issued a resolution (9-2020) to ban the overseas deployment of health workers given the shortage of some 290,000 nurses and the annual migration of 13,000 health professionals. Labour groups belonging to the NAGKAISA umbrella group immediately protested against this policy, saying it violated the health workers’ “right to travel and constitutional protection from involuntary servitude” (Gotinga, 2020). The Filipino Nurses United also denounced the policy, claiming that they had the right to seek work abroad and receive higher pay (Aspinwall 2020). In December 2020, the POEA (Res 17-2020) repealed its earlier decision to impose the moratorium and imposed instead the capping of deployment to 5,000 nurses.

In August 2020, more than 80 medical associations claimed that the Philippines was ‘nearing the end of the line’ and that the government had to address the problem of health institutions having to operate beyond their capacities in terms of bed facilities and personnel (Tomacruz, 2020). While the government did not necessarily heed the proposals of these health professionals, the statement was still of value as a wake-up call for both the government and citizens. The statement was also an exercise in exacting government accountability.

The other sector that has been quite influential is the labour sector.¹¹ As mentioned previously, trade unions immediately protested the ban on overseas deployment of nurses and this helped compel the repeal of the ban policy. While trade union density is very low and collective bargaining quite limited, trade union participation is highly institutionalised. At the national level, trade unions sit in the Tripartite Industrial Peace Council (TIPC). The TIPC has been operational since 1990, by virtue of then President Cory Aquino’s Executive Order No. 403 which created the TIPC as “the main consultative mechanism and advisory body of the

10 The websites of Facebook pages of all CSOs mentioned in this section can be found in the reference list

11 For a more thorough understanding of the Philippine labor movement, please read Abao, Carmel “Free but Weak.”

social partners – workers, employers and government – on labour and employment lodged with the DOLE” (BLR-DOLE 2014). Through this TIPC and other similar consultative bodies, trade unions have been able to influence government’s responses to Covid-19 especially as these relate to employment. Trade unions demanded assistance for workers displaced by the pandemic. Migrant rights’ advocacy groups also demanded for assistance for repatriated and stranded workers. After the government declared a lockdown in March 2020, these groups immediately organised webinars and forums to discuss the impact of said lockdown on Filipino workers both in the Philippines and abroad.¹²

Because of government abuses in its war against drugs, human rights groups have also been very visible in the political landscape. These groups – such as the Philippine Alliance for Human Rights Advocates (PAHRA) and the In Defense of Human Rights and Dignity Movement (i-DEFEND) – have held many protest activities against extra-judicial killings in the name of the anti-drug war, the arrest of opposition figures such as Senator Leila de Lima, the crackdown on media institutions such as Rappler and ABS-CBN and the passage of anti-terrorism law that has been weaponised to red-tag groups and personalities critical of government.

The women’s movement has also been very vocal against extra-judicial killings and against President Duterte’s misogynistic language and behaviour. When Senator Leila de Lima was slut-shamed during the Congressional investigation of her alleged drug-related case, #Everywoman became viral not just as an expression of support for de Lima but also as a condemnation of the government’s misogyny (Rappler Social Media Team). Since then, #Everywoman has been transformed into an organisation and has been helping widows and mothers of victims of extra-judicial killings. Everywoman also continues to advocate for the release of Senator Leila de Lima, alongside the multi-sectoral “Free Leila de Lima Movement”.

Aside from protesting against the government’s misogyny, CSOs within the ambit of the women’s movement also actively participated in the lobbying and advocacy for several gender-responsive pieces of legislation such as the expanded maternity act.

When the pandemic hit in early 2020 and government imposed a lockdown, one of the issues that immediately took centre stage was the issue of online teaching. There was a lot of consideration on how to implement this, especially among public school students who had very meagre resources to begin with. The youth movement became crucial in shedding light on

12 See, for example, the Rappler webinar on the plight of OFWs amid COVID, with the Center for Migrant Advocacy and the Working Group on Migration of the Political Science Department of the Ateneo de Manila University.

education amid the pandemic. Several youth groups, especially from Ateneo de Manila University and the University of the Philippines, pushed for an academic break and demanded that the government take accountability for failed Covid responses (Pedrajas, 2020).

Among regional CSOs, perhaps the most noteworthy were those that became visible during the Marawi siege in 2017 which was a five month-long armed conflict between the Philippine military and alleged terrorist groups. The siege displaced more than 300,000 and killed more than a thousand (ADB 2018). NGOs that immediately responded to the crisis situation included the Ranaw Disaster Response and Rehabilitation Assistance Center (RDRRAC), the Maranaw People Development Center Inc (Maradeca), Ecosystems Work for Essential Benefits ([ECOWEB](#)), Balay Mindanaw, and the Center of Psychological Extension and Research Services of the Ateneo de Davao University (COPERS). International groups such as IID and Oxfam also worked closely with local NGOs to address the problem of massive displacement and promote peacebuilding.

Finally, it can be observed that CSOs backed by religious congregations are visible in the political landscape, especially as opposition voices to the government’s war against drugs. While it can be argued that the influence of church-based organisations has decreased in recent years, the presence of churches (especially the Catholic Church) in the political landscape is still palpable. One can see the Church’s presence in ‘right to life’ issues such as the restoration of the death penalty and the drug war-related extra-judicial killings (Cornelio and Lasco 2020).

CIVIL SOCIETY ORGANISATIONS ON THE DEFENSIVE

Since the start of the Duterte administration, CSOs have had to contend with at least two threats: the threat of being delegitimised and the threat of being demobilised.

The threat of delegitimization can best be seen in purposeful moves by the Duterte government to polarise the population between the “Duterte Diehard Supporters (DDS)” who are supposedly anti-elite and ‘pro-masa’ (pro-masses) versus the “Dilawans (Yellows)” who are supposedly anti-Duterte by virtue of their being elitist and oligarchic.¹³ Because of this polarisation, the legitimacy of CSOs has become contingent on their support/non-support for the

13 For a more thorough understanding of polarization under Duterte, please read “The Duterte Reader,” edited by Nicole Curato.

Duterte government. Those critical of the government are conveniently lumped in as part of the “Dilawans” and thereby rendered undeserving of government or public attention. There is now a conditionality to being ‘legitimately’ considered as ‘civil society’: one has to be supportive of the Duterte government. This is a reframing of the concept of civil society as being autonomous from the state.

The other way by which the Duterte government has set about delegitimising CSOs and undermining their autonomy is by creating its own CSO-like organisations. The “DDS” is not just some abstract idea. It represents aggrupations of amorphous masses supportive of President Duterte: DDS youth, DDS urban poor, DDS migrant workers, etc. It is hard to determine whether these organisations are bogus or real since they have visible leaders (often called ‘influencers’) and activities (often on social media platforms). What can be determined though is their palpable support for the Duterte government.

The Duterte government has thus been able to turn its political-electoral base into a social base. This base effectively delegitimises CSOs as active, organised citizens who engage with and exact accountability from the government. The DDS’s main message is that there is no need for such engagement or such exercises of exacting accountability – because the Duterte government is already a government ‘for the people’.

Aside from delegitimising CSOs, the Duterte government has also effectively de-mobilised them. This has been done mainly through institutional and extra-institutional means that criminalise or penalise dissent: killings of human rights defenders and political activists, attacks on independent media, arrests of government critics, the passage of an anti-terrorism law, and red-tagging. Needless to say, the Duterte government has effectively consolidated its support in the legislature. It has a supermajority that readily supports the Duterte government’s use of the legal system as a weapon against critics. This is backed by a Supreme Court dominated by appointees of President Duterte.

Given this situation, CSOs in the Philippines have been largely on the defensive. Aside from aforementioned engagements of CSOs regarding Covid responses, much of the work of the CSOs has revolved around resisting the government’s suppression of dissent. Especially in the lead-up to the May 2022 elections, these CSOs are poised to present a challenge to the Duterte style of (illiberal populist) governance.

POLITICAL PARTY-CIVIL SOCIETY DYNAMIC

There is a myriad of interest groups in the Philippines. However, only a handful of those representing dominant economic interests enjoy access and influence in the formal political system. Major organisations representing the interests of labour and farmers are divided along conservative, moderate, and radical advocacies. The pent-up democratic impulses of the anti-dictatorial struggle evolved into a vibrant civil society. There is a strong citizens' consent for democratic norms and practices.

Numerous voluntary associations and civic self-organisations have blossomed in the period of democratic transition and are actively involved in development work and issue advocacy. Trust and social capital among the population are cultivated and harnessed by these robust, albeit heterogeneous, CSOs. Conversely, some CSOs have been co-opted by personal, political and economic interests – the dark side of social capital.

The relationship between the most influential CSOs and the Duterte government including the ruling party/coalition is antagonistic. As mentioned previously, the legitimacy of CSOs has been tied to the conditionality of support for President Duterte. These CSOs are thus allied with the opposition parties/movements that also oppose Duterte's illiberal populism.

LEGISLATIVE COOPERATION

CSOs and political parties associated with the opposition (i.e., the Liberal Party and opposition party-list organisations) have been collaborating to express resistance to Duterte's authoritarianism. These collaborations were essentially issue-based. The Coalition Against the Death Penalty (CADP), which was church-led, spearheaded the movement to block the death-penalty bill. To block the Anti-Terrorism Law, the human rights advocacy CSOs and sector-based CSOs joined forces through the Movement Against the Terrorism Act (MATA).

When President Duterte cracked down on Rappler and Rappler's editor Maria Ressa and when the ABS-CBN was shut down, the National Union of Journalists of the Philippines (NUJP) collaborated with several CSOs to protest these attacks on press freedom. CSOs also rallied

around the “Free Leila de Lima Movement”. The minority opposition bloc in the House of Representatives and the Senate joined forces with these CSOs to oppose the unrelenting initiatives of the Duterte government to crush dissent.¹⁴

In the Senate, only Senator Risa Hontiveros – who belongs to the social democratic party Akbayan – has roots in CSOs.¹⁵ In the House of Representatives, only the Representatives from party-list groups associated with the national democratic movement are openly aligned with CSOs.

FAILED PARTY-LIST EXPERIMENT

The 1987 Constitution also provides for the election of 20% of the House of Representatives via a party-list system (PLS) from one nationwide district. It was introduced to provide a novel pathway for the so-called marginalised sectors to be represented in the elite-dominated Congress. In the 2019 elections, 134 parties registered under the party-list system. Of this number, two parties gained the maximum three seats each, six other parties gained two seats each while another 43 gained one seat each. Since its inception, the Philippine PLS has been saddled by problems of definition, implementation and interpretation. Most fundamentally, the system is highly disproportional and thus distorts the democratic will by allocating seats in a manner quite at odds with the preferences of the electorate (Teehankee 2019). Reform constituencies initially acknowledged the promise of the PLS but were later frustrated by its sloppy implementation. Despite its original intentions, the PLS has failed in its objective of fostering greater political participation by those sectors of Philippine society that are marginalized and underrepresented. Worse still, it has recently been dominated by members of political dynasties and special interests (Teehankee 2019).

14 The websites and Facebook pages of organizations mentioned here are in the reference list.

15 For more information on Senator Hontiveros, please see http://legacy.senate.gov.ph/senators/sen_bio/hontiveros_bio18th.asp

Case Study of Benin



**Contribution by:
Moïse Loka Fonton**

SYNOPSIS OF POLITICAL PARTIES IN BENIN



nce an example across the African continent thanks to the stability of its democracy, the Republic of Benin experienced a dramatic backsliding following the coming to power of President Patrice Talon on 06 April 2016. Several economic and political reforms, especially that of the partisan system, have ostensibly contributed to that situation.

Before 2018, Benin had more than 200 political parties. Among these parties, only 11 (including three alliances of parties) were represented in the National Assembly in the 7th legislature (2005-2019). From then on, President Patrice Talon, per his platform, undertook an overhaul of the partisan system aimed at encouraging large groupings of political parties and consequently reducing the number of existing political parties. The 2018-31 law of 3 September 2018 on the Electoral Code in the Republic of Benin and the 2018-23 law of 17 September 2018 on the Charter of Political Parties in the Republic of Benin were voted on to give substance to the president of the republic's project. As a result, the old political parties were given two options: „comply“ with the new legislation or disappear to make way for new structures created on the basis of the new provisions. Those new provisions include the obligation for a political party to have a minimum of 15 founding members in each of the 77 communes of the country (Art. 16 of the Political Parties Charter). The party also needs a notification of conformity from the Minister of Interior to be recognised as legal (Art. 22). Consequently, it is much more difficult to found new parties today.

Two large groupings of political parties supporting the president were created: on the one hand the Bloc Républicain (BR), created around the Alliance pour un Bénin Triomphant (ABT) party, and on the other hand the Union Progressiste (UP) joining the former opposition party Union fait la Nation (UN). For informed observers, the strategy in creating these two large groups was to seal the two parts of the country – the north with the BR presided over by Minister of State Abdoulaye Bio Tchané, and the south with the UP headed by President Bruno Amoussou.

Those supporters of the President who could not or did not want to join these two blocs for a different set of reasons had to create other political parties such as the Mouvement des Elites Engagées pour l’Emancipation du Bénin (MOELE-Bénin), the Parti pour l’Engagement et la Relève (PER), which now claims to be a centrist party, and the Union Démocratique pour un Bénin Nouveau (UDBN), the only political party to date which is led by a woman, the former minister and deputy Mrs Claudine A. Prudencio and which has now officially joined the BR party bloc.

The Parti du Renouveau Démocratique (PRD), the oldest active party, preferred not to join any of these groupings. Neither did the opposition party Forces Cauris pour un Bénin Emergent (FCBE), the political party of former President Thomas Boni Yayi which lost the presidential elections in April 2016.

In the course of the electoral process leading to the organisation of the legislative elections on 28 April 2019, the Constitutional Court required a „Certificate of Compliance“ to Law 2018-23 of 17 September 2018 on the Charter of Political Parties in the Republic of Benin from all political parties as a mandatory document in their application to register for the election. This document was to be issued by the Minister of the Interior.

Unfortunately, by the deadline set to apply in order to run for elections, only the BR and the UP – the two political parties that supported the President – were validated and could actually register, having committed „minor errors“¹⁶ The election commission dismissed five other political parties for committing „major errors“.¹⁷

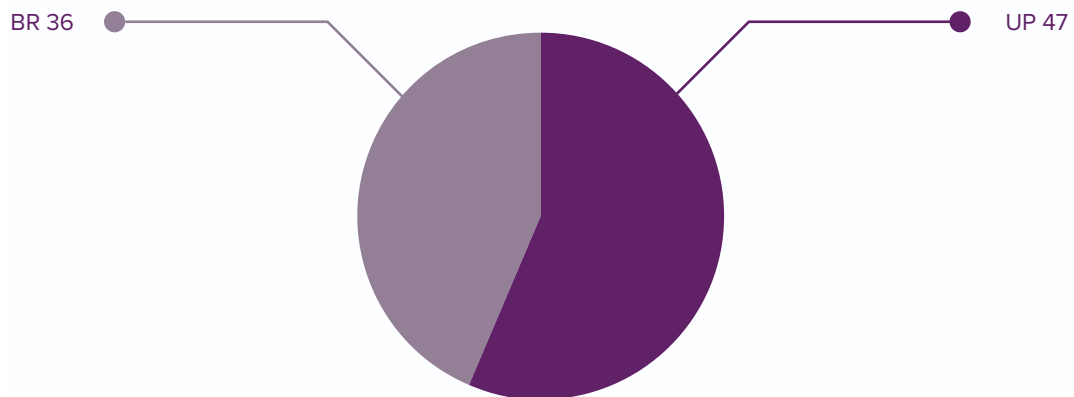
As a result, only the two blocs of the president – the BR and the UP – participated in the legislative elections of April 2019. These elections saw a record abstention rate of 72.9%. Nonetheless, the UP party won 47 seats and the BR won 36 seats.

The persistent criticism of the legislative elections by opposition leaders and civil society members led the President’s government to consider a slight opening up of the national political space for the following elections.

16 Public comments from the President of CENA explaining the selection process of the parties to participate in the legislative elections in April 2019.

17 USL (opposition), FCDB (previously opposition), PRD, MOELE-Benin, UDBN (majority)

Deputies elected in the 2019 elections



THE POST-LEGISLATIVE PERIOD AND THE OPENING UP OF THE POLITICAL SPACE

Violent protests by opposition supporters erupted in the country from 1-3 May 2019 following the legislative elections. This caused several deaths and gunshot wounds in the south and central-north part of the country. Former President Boni Yayi was under house arrest and held incommunicado for 52 days. There was real friction between the population and their leaders.

Considering the substantial criticism and many recommendations, President Patrice Talon convened in October 2019 for a political dialogue involving eight¹⁸ political parties around a five-point agenda:

- Cleaning the electoral code and the charter of political parties
- Strengthening the partisan system
- Seeking equity in the representation of the people in parliament
- The status of the opposition
- Measures to appease the political situation

18 UP, BR, PRD, MOELE-Benin, FCDB, UDBN, PFR, FCBE, RE

It is worth mentioning that some parties such as Restaurer l'Espoir and the Union Sociale Libérale (USL)¹⁹ – opponents of the President – were not invited to that dialogue. The Dynamique Unitaire pour la Démocratie et le Développement (DUD) party declined the invitation. The participation of the opposition party FCBE led to a definitive split of the party and the resignation of its honorary president, the former President of the Republic Dr Thomas Boni Yayi.

In order to implement the recommendations of the political dialogue, new laws were passed on political parties, on the electoral code of the Republic of Benin, and on public funding for political parties in the Republic of Benin.

Following the passing of these laws, the political landscape became more peaceful with the official recognition of the opposition party FCBE, which had to part ways with several of its influential members including its national executive secretary in exile²⁰ in France.

In early 2022, there were 17 political parties legally registered with the Ministry of the Interior under the new laws:

19 The president of this party Sebastien Ajavon is currently in exile in France

20 Valentin Agossou DJENONTIN who was the party leader at that time was forced into exile in France.

Political Parties in Benin after 2018			
N°	Political Party	Leader	Position
1	Union Progressiste (UP)	Bruno Amoussou	Majority
2	Bloc Républicain (BR)	Abdoulaye Bio Tchane	Majority
3	Mouvement des Elites Engagées pour l'Emancipation du Bénin (MOELE-Bénin)	Jacques Ayadji	Majority
4	Parti du Renouveau Démocratique (PRD)	Adrien Houngbedji	Majority
5	Union Démocratique pour un Bénin Nouveau (UDBN)	Claudine Prudencio	Majority
6	Dynamique Unitaire pour la Démocratie et le Développement (DUD)	Valentin Aditi Houde	Opposition
7	Forces Cauris pour un Bénin Emergent (FCBE)	Paul Hounkpè (recently appointed as the head of the opposition)	Opposition
8	Parti Flamme Renouvelée (PFR)	Gilbert Eda	Opposition
9	Grande Solidarité Républicaine (GSR)	Antoine Guedou	Opposition
10	Restaurer l'Espoir (RE)	Candide Azannai	Opposition
11	Mouvement Populaire pour la Libération (MPL)	Sabi Sira Korogone	Opposition
12	La Nouvelle Alliance	Théophile Yarou	Opposition
13	Restaurer La Confiance	Irénée Agossa	Opposition
14	Force Cauri pour le Développement du Bénin (FCDB)	Soumanou Toleba	Opposition
15	Les Démocrates (LD)	Eric Houndete	Opposition
16	La Nouvelle Force Nationale (NFN)	Appolinaire Wilfried Avognon	Centrist
17	Parti pour l'Engagement et la Relève (PER)	Bruno Viaho	Centrist

For the purpose of this case study, an active political party is considered to be one which participated in the municipal elections of May 2020, and which has elected representatives in either the national assembly or the local councils. Also included are political parties participating in various training activities or radio programmes, and parties that are active on social media or communicate with constituencies through various media. As such, except for the RE party – which suspended all political activity and closed its headquarters – and the PFR, all other political parties are considered to be active.

MAJOR POLITICAL PARTIES IN BENIN

Until 2018 and the overhaul of the partisan system, the political environment consisted of eleven major political parties and alliances. Those were the FCBE party (the majority party) with 34 deputies, and the Union fait la Nation, the main opposition party at the time with 13 elected deputies. In addition to these two political parties, the following were also represented in the National Assembly: Forces Démocratiques Unies (4), Alliance pour un Bénin Triomphant (2), AND (5), Alliance Renaissance du Bénin-Réveil Patriotique (7), Alliance Eclaireur (2), Parti du Renouveau Démocratique (9), Union pour le Bénin (2), Alliance Soleil (4) and Resoatao (1).

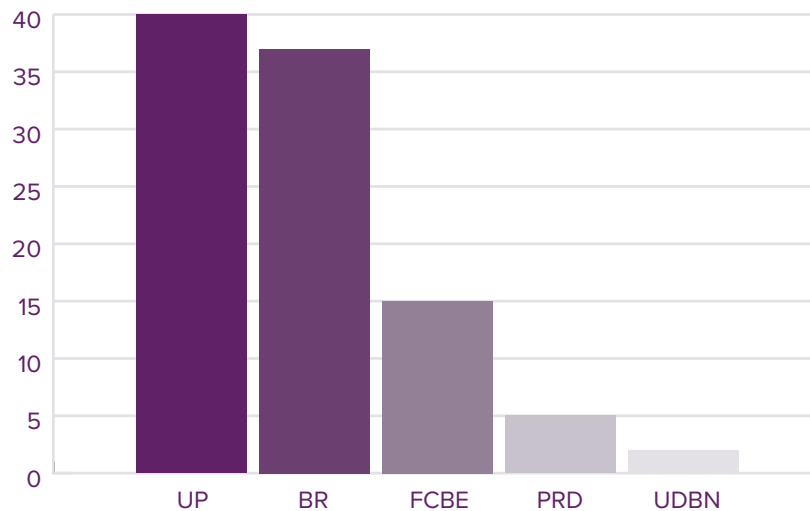
The reform of the partisan system in 2018 and the three subsequent elections led to a new deal. Thus, with 47 and 36 seats respectively in the National Assembly, the UP and BR parties unquestionably became the 1st and 2nd biggest parties in Benin.

This supremacy was confirmed by the big victory of the UP and BR parties in the May 2020 municipal elections. Indeed, the UP confirmed its first place obtained in the legislative elections by winning 39.97% and 820 municipal councillors against 37.38% and 735 municipal councillors for the BR. The FCBE – the only opposition party that participated in the municipal elections – obtained 14.98% of the votes cast and had 260 councillors elected. After the appointments of 51 of the 77 city mayors, the UP party still leads the way with 41 mayors elected or nominated²¹, versus 30 for the BR and 6 for the FCBE.

21 Indeed, during the process of electing mayors as stipulated by the law 2019-43 of November 15, 2019, on the electoral code in the Republic of Benin, deputies voted in an emergency procedure the Law No. 2020-13 of 04 June 2020 interpreting and completing the previous law. The latter law stopped the process of electing mayors and instituted their appointment by the political parties from which they came.

The other two parties that took part in the 17 May 2020 poll were the PRD (5.49%) and the UDBN (2.17%). Neither party was able to get a municipal councillor seat because they did not reach the eligibility threshold of 10% of the total votes cast.²²

Results of the Communal Elections of May 2020



In addition to the five political parties that took part in the 17 May 2020 poll, four others were eliminated from the competition at the application phase for having submitted more files than required (MPL) or for failing to provide documents in their application (MOELE-Bénin, FCDB, PER). Since they have never taken part in any electoral competition since their creation, it would be challenging to evaluate them. The same situation applies to the opposition party „Les Démocrates“, which is composed of highly influential figures, including former President Boni Yayi. Unfortunately, the absence of electoral competition does not allow for an evidence-based assessment of the party at this stage.

As opposed to countries like Germany or the UK, political parties in Benin are not related to social groups. They recruit members and voters wherever possible.

We will use the word „major“ here to describe political parties that have elected officials. They are the UP, the BR and the FCBE.

²² According to Article 184 of the Electoral Code only lists that have received at least 10% of the valid national votes are eligible for the allocation of seats.

The UP is the biggest party in Benin. They won 47 of 83 seats in the 2019 legislative elections and 820 of the 1815 municipal councillor seats. The party also won 41 of the 77 mayoral seats in the country. The party was formed around the former Union fait la Nation coalition, an opposition group to former president Boni Yayi. Though the party has had elected officials throughout the country, the majority are in the southern region. The party is a member of the majority supporting current president Patrice Talon.

The BR is a gathering of several parties and movements around the Alliance pour un Bénin Triomphant party. They are currently the second political force of the majority. They won 36 seats at the national assembly in 2019 and 30 mayoral seats in 2020. Most of the elected officials of the party are in the north of the country. The party is chaired by Abdoulaye Bio Tchane, a state minister in Benin.

The FCBE, now in the opposition, was the ruling party under former president Boni Yayi's tenure. They were not allowed to run in the 2019 legislative elections but they won 6 mayoral seats in the municipal elections. The party's leader has recently been appointed as the head of the opposition as per the law. The party has undergone a lot of internal dissension. Several members of the party have resigned including its honorary president, Boni Yayi. The resigning members of the FCBE party have created new parties such as Les Démocrates party and the newly-registered La Nouvelle Alliance party. Both new parties are in the opposition.

POLITICAL PARTIES AND IDEOLOGIES IN BENIN

It is difficult to distinguish political parties in Benin by their ideology using the division that applies to left- and right-wing parties in Europe, or between Republicans and Democrats in the United States of America.

Ideology is not a major determining factor for the voters' choice in elections in Benin. As a result, political parties do not really care about having a clear ideology. Benin's legislation on the registration of political parties also seems to be resigned to the idea of not having political parties based on a strong and clearly defined ideology, considering it optional to have one or not.²³

23 Confers Article 18 of Law No. 2018 - 23 of September 17, 2018, which is the Charter of Political Parties in the Republic of Benin.

This does not, however, prevent the existing parties from availing themselves of a certain ideology even if this is not evidenced by the facts, their actions, and the statements of their leaders. Thus, the Bloc Républicain party proudly evokes its liberal ideology while the Union Progressiste party is part of the „democratic left-wing“ tradition. The Parti du Renouveau Démocratique claims a liberal ideology like the BR. The Union Démocratique pour un Bénin Nouveau claims a mixed ideology combining liberalism, socialism, and feminism. Finally, the main opposition party, the FCBE, advocates an ideology based on liberalism. In short, most of these parties adhere to liberalism.

Despite the ideological identities spelled out in the official documents of these political parties, no member of a political party has ever been elected as president of the republic. Once elected, parties are therefore subject to the will of the president of the republic, someone independent who dictates to them the conduct to be held in the National Assembly. This is contrary to their primary role which is, among other things, to pass laws and to control the actions of the government.

STRUCTURE / INTERNAL FUNCTIONING OF POLITICAL PARTIES

The 2018-23 Law on the Charter of Political Parties in Benin has reframed the format of political parties, or at least their creation. Thus, all political parties are required to organise a constituent meeting (also called the General Assembly or Congress) bringing together at least 15 people per commune.²⁴ These participants are called founding members.²⁵

Apart from this basic body, political parties are generally made up of four bodies, sometimes with different denominations but with almost the same responsibilities:

- the Political Bureau (MOELE-Bénin) or the National Council (UDBN),
which is the party's decision-making body
-

- the Executive Office
-

24 Article 16 of Law 2018- 23 of September 17, 2018, on the charter of political parties in the Republic of Benin. There are 77 municipalities in Benin

25 This name is considered a title now as activists like to remind anyone who wants to hear it

- the Commissions
-
- the Coordinations
-

According to the laws governing these political parties, members of the various bodies are elected in congresses or general assemblies. However, the truth is that political parties do not generally operate under true internal democracy. Indeed, in many cases, party leaders are appointed as a reward for their loyalty or activism within the party, due to their personal wealth, or based on their connections. Grassroots activists are rarely involved in the elections of their leaders as there are no primaries or internal elections held in most political parties.

In terms of decision-making within the party, the internal laws often describe a mechanism from the bottom up. That said, the findings in the parties indicate quite the opposite – activists are only really involved during elections, especially for voter mobilisation. Furthermore, party members receive no accountability from their elected officials between elections. This situation explains the absence of a political party members' database. The Union Progressiste party, which has an online membership platform, has begun the creation of a digital members database. The lack of a mechanism to prevent the multi-membership of members is therefore an obstacle to obtaining reliable political party membership databases.

Relationships with the population are scant overall and lack continuity. Like their activists, citizens are only entitled to a sketch of accountability of the political parties in the run-up to an election. There is no permanent link to connect citizens' aspirations to political parties' activities. There is no communication between the parties or elected leaders and the voters, no platform-building through collecting the citizens' aspirations, no awareness campaigns for potential voters between elections. Citizens, most of whom are also illiterate, are considered as electoral cattle that are coveted to the „electoral slaughterhouse“ in every electoral process with gadgets, money, or utopian promises.

INADEQUACY OF POLITICAL PARTIES

Benin's political parties suffer from shortcomings in several areas. These constitute a real handicap in the implementation of their mission. These areas include a clear and well-defined vision, programmes and policies, structuring and functioning, party leaders' appointments, and internal and external communication.

The majority of political parties find it difficult to recruit women as candidates and leaders for cultural reasons. Therefore, even though women's wings exist in some parties, they are not as active and relevant as they should be. Youth wings can be found in some parties, but they are geared towards supporter mobilisation, not to promoting youth leaders or candidates. Finally, no political party in Benin has any specific programmes – let alone a wing – dealing with persons with disabilities or any other marginalised group.

In addition to these difficulties, there are three other substantial challenges for political parties in Benin: training, finance and logistics.

Training

Political party members lack training in many areas. The first one is activism. Only a few parties have a training school. Those that have one include the MOELE-Bénin party and the DUD. Other parties have holiday universities such as the PRD and the BR. Unfortunately, the training given at these levels covers a very small number of members. Moreover, this training is not replicated at the lower level for grassroots members. As a result, many party members know nothing about their party, e.g., statutes, rules of procedure, programmes, communication plans, etc. There is also no mass training of members, and no training in mobilisation strategy or recruitment of members. Parties also lack training resources (documents, podcasts, videos, etc.) on their website, at least for the few parties that have any, such as the UP, the BR and the PRD. Political parties also need training on the constitution and the electoral legal framework. This knowledge would enable them to make critical analyses, propose better solutions and oppose each other in cases of deviance.

Finance

Law 2019-44 of 15 November 2019 on the public financing of political parties defines the modalities of their public financing in the application of Article 39 of the Charter of Political Parties. Article 6²⁶ of this law outlines the conditions for eligibility for this funding. Unfortunately, because of this law, only three parties – the UP, the BR and the FCBE – were able to benefit from this funding in 2020 because of articles 9 and 10²⁷ of said law, even though these parties did not fully comply with article 6, paragraph 1 of the law.

As far as the internal sources of funding of parties are concerned, they do not contribute very much to their functioning because of their scarcity. As a result, most political parties find themselves at the exclusive expense of their president or some patrons who finance them in exchange for their support, particularly in the adoption of laws in the National Assembly. A current UP deputy, previously a member of the PRD, publicly claimed in a video circulating on WhatsApp in Benin to have received from the hands of President Patrice Talon (then in exile) 400 million CFA francs as part of the campaign for the 2015 legislative elections.

Logistics

Logistics are usually related to finances. As a result, political parties such as the DUD, the GSR, the FCDB and the PER use the buildings of their president or honorary president as their national headquarters. Investigations have also revealed that no political party in Benin fulfils the condition of departmental offices as provided for by law. A permanent internet connection is almost non-existent in many of these national headquarters.

Rolling stock is non-existent within political parties. Members and even officials are then forced to use their own means, which, as a result, does not allow them to organise regular visits to their constituents. The same applies to the means of communication.

26 Article 6: Are eligible for the benefit of public funding, political parties that meet the following conditions: -have a national headquarter and departmental offices, all located in premises exclusively intended for the activities of the party and separate from a private home or office; justify the regular holding of the party's statutory bodies; justify the financial resources and their use.

27 Article 9: The total annual amount of public funding of political parties is distributed among the parties, according to the number of their deputies and their municipal councilors at the rate of 60% in proportion to municipal councilors; 40% in proportion to deputies.
Article 10: the number of deputies and municipal councilors referred to in the previous article is that resulting from the last legislative and communal elections

Some of the difficulties included in this category, however, do not necessarily require money. Instead, they require in-house expertise. For example, it would be a great achievement to find a political party in Benin that has an up-to-date members database. Parties also lack a mobilisation strategy based on ICT tools or social media.

THE SITUATION OF CIVIL SOCIETY ORGANISATIONS

The Republic of Benin guarantees every citizen a set of fundamental freedoms, and civil and political rights. Article 23 of the Constitution states that:

“Every person has the right to freedom of thought, of conscience, of creed, of opinion and expression with respect for the public order established by law and regulations. The exercise of a creed and the expression of beliefs will take place with respect for the secularity of the State. The institutions and the religious or philosophical communities will have the right to develop without hindrances. They will not be subject to the guardianship of the State. They shall regulate and administer their affairs in an autonomous manner.”

In addition to this constitutional provision, there is also the French law of 1 July 1901 relating to the association agreement and its extension decree of 13 March 1946 which continues to govern associations in Benin and francophone Africa. Decree No. 2001 - 234 of 12 July 2001 sets out the conditions of existence and operating procedures of non-governmental organisations (NGOs) and their umbrella organisations, and the Benin Civil Society Charter of 11 February 2009 provides a legislative basis for association foundation.

This opening up of the legal framework governing civil society organisations (CSOs) in Benin and its seven components²⁸ has encouraged the creation of new organisations throughout the national territory. For example, the last national census of CSOs conducted between 2012 and 2013 identified 12,002 organizations working in various fields. However, the debates around the membership of traditional chiefdoms, religions, and the media that took place mainly during the Etats Généraux of CSOs held in December 2018 in Cotonou, led to a consensus on the principle that these components can only be members of civil society in their associative form.

28 According to the Charter of Benin civil society of February 11, 2009, the seven components are: associations, NGOs, religions, Media, socio-professional organizations, traditional chiefdoms, and unions.

By the end of the Etats Généraux, CSOs decided on a structure of eight thematic pools around four fundamental areas of development and activities:

Social SDG 1 to 6	Thematic Pool 1:	Social Affairs – Early Childhood, Elders, People Living with Disabilities (SDG1) Education – Education and Citizenship (SDG4) Gender Equality (SDG5)
	Thematic Pool 2:	Health/Wellness/Lifestyle and Sport (SDG3)
	Thematic Pool 3:	Agriculture/Food Security/Nutrition (SDG2)
	Thematic Pool 4:	Drinking Water and Sanitation (SDG6)
Economy SDG 7 to 11	Thematic Pool 5:	Employment and Economic Growth (SDG8) Reducing Inequalities Empowering Vulnerable Groups (SDG10)
Environment SDG 12 to 15	Thematic Pool 6:	Living Environment, Environment (SDG12) Climate Change (SDG13) Aquatic Life (SDG14) Earth, Life Natural Resources (SDG15)
Governance SDG 16	Thematic Pool 7:	Human Rights, Accountability, Information, Peace, Justice, Security (SDG16)
	Thematic Pool 8:	Art, Culture, and Religion

Beninese CSO structuring table by thematic pools²⁹

While the number of CSOs is expected to have increased significantly to date, it is difficult to have an accurate number of those that are still active since there is not an up-to-date follow-up by the government. In the context of this study, the focus will be on CSOs from the 7th thematic pool: Human Rights, Accountability, Information, Peace, Justice, Security.

As is the case for the other thematic pools, there are hundreds of CSOs working in this sector. However, the most well-known (and currently active) are:

29 Source: <https://www.oscbenin.org/article/pools-themathiques-note-explicative/28>

- West Africa Network for Peacebuilding (WANEP)

- Social Watch Bénin

- Front des Organisations Nationales de Lutte contre la Corruption (FONAC)

- Association de Lutte Contre le Racisme

- Ethnocentrisme et le Régionalisme (ONG – ALCRER)

- Centre Afrika Obota (CAO)

- Réseau des ONG pour les Objectifs de Développement Durable (RODD)

- ONG Changement Social Bénin (CSB)

- Cadre d'Appui aux Processus Electoraux (CAPE)

- GERDDES Afrique

- Association Béninoise de Droit Constitutionnel (ABDC)

RELATIONSHIP BETWEEN CIVIL SOCIETY ORGANISATIONS AND THE GOVERNMENT

CSOs in Benin are expected to participate in the implementation of public policies at both the national and decentralised levels. Article 2 of Law 97-029 of 15 January 1999 organising municipalities in the Republic of Benin states that „the commune³⁰ constitutes the institutional framework for the exercise of democracy at the grassroots level. It is the expression of decentralization and the privileged place of participation of citizens in the management of local public affairs.” As such, CSOs are invited to certain debates of general interest by city mayors. One of the most concrete examples is the implementation of the PARTICIP II programme by ALCRER and Social Watch Benin. This programme has enabled the establishment of Citizen

30 Municipality

Participation Cells at the municipal level to ensure that citizens watch and participate in local governance, collecting citizens' priorities for the municipal council. These structures, much appreciated by local authorities, have been recognised as credible partners to deal with.

CSOs are also involved in several other areas such as budget transparency, accountability of government institutions and municipalities, the provision of services in areas such as agricultural development and rural structuring, environment, health, nutrition, education and family planning, human rights, legal aid, and governance. They make a considerable effort in the prevention of inter-community conflicts, the consolidation of peace, and the construction of the state. In short, CSOs complement or supplement the state in all sectors. Direct and on-line awareness campaigns, social forums, election observation missions, television and radio programmes are some activities through which CSOs try to achieve their various goals. With this aim in mind, some facilities are granted to them in the media³¹ as part of their activities for the population.

Several structures have been put in place to facilitate interaction between CSOs themselves, between CSOs and technical and financial Partners, and between CSOs and the government. Some examples include the Maison de la Société Civile (MdSC), the Centre de Promotion de la Société Civile (CPSC) and the Cadres de Concertation des OSC.

It is worth noting that, like the opposition political parties, civil society today is in an unfavourable situation. Opposition leaders reported that more than 400 of their members have been arrested since the beginning of 2021. Likewise, many CSOs actors reported that they are being threatened and intimidated when it comes to making media appearances to contradict the government on any aspect of its governance. As a result, these actors just stick to awareness-raising and educational activities, abandoning (at least publicly) issues that could convert them into government targets and be put in jail.

31 For example, the amount paid by an NGO in a local newspaper or radio station is less than that of a company.

INADEQUACIES OF CIVIL SOCIETY ORGANISATIONS

Member capacity-building remains a constant demand for Benin's CSOs, and their needs have not been fully met in the past decades. With the exception (sometimes) of founders, the expertise of other members in the field of activity is acquired on the job, which often affects the quality of the service provided. This situation often leads organisations to seek external expertise, which of course comes at a cost.

In terms of internal governance, CSOs often sin more than the government they are supposed to oversee. Internal democracy is at half-mast. CSO appointments of organisation leaders do not follow their own rules and regulations. As a result, the life of the organisation corresponds to that of its president-founder, and the organisation usually disappears with their death or departure. Fortunately, some CSOs have been able to find a sustainable mechanism for the renewal of their governing bodies, by financially empowering the organisation.

Funding for CSOs is a serious thorn in their sides. According to their statutes in many cases, the sources of income consist of membership fees, regular contributions, donations, bequests, and grants. Unfortunately, membership fees and contributions, which are often non-existent, are not enough to finance the daily activities of the structure. Moreover, they do not allow for major actions or programmes. As a result, CSOs are condemned to apply for calls for projects from technical and financial partners. These are all international and include the embassies of France, the United States, the Netherlands, the Swiss Cooperation, GIZ, ENABEL, UNDP, OSIWA, the European Union, and most recently the International Republican Institute.³²

There was a time when CSOs enjoyed a high rating of public credibility in Benin. This situation eased the massive support of citizens and political parties in the fight against the revision of the Constitution between 2004 and 2006 ("Don't Touch my Constitution" Movement) and then between 2013 and 2016 (Red Wednesday Movement). Unfortunately, since 2014 and the creation of a political party by influential³³ former civil society actors, the Beninese civil society has lost a great deal of credibility with citizens. The recent public stances by the president of the NGO ALCRER, Martin Assogba, in favor of the President of the Republic Patrice Talon, have also meant a great blow to civil society in public opinion.

32 This list is not exhaustive

33 The „Alternative Citoyenne“ party was created by Rock David Gnahoui, Seraphin Agbangbata, Urbain Amègbédji, Joseph Djogbenou, and Orden Alladatin, civil society actors and strong supporters of the candidate and then the President of the Republic Patrice Talon.

Today, Benin's civil society is weakened and depleted. It struggles to find a new lease of life and to regain the confidence of the citizens. Despite this unfortunate situation, there is still hope for recovery. Among many other organisations, the aforementioned ones are trying to do their job in an increasingly closed environment made up of various threats and intimidation by government supporters. And, now more than ever, CSOs are stuck in the trap of co-optation by politicians precisely due to the lack of financial resources. To date, the only ones that have managed to avoid this situation have been the CSOs that work with external donors.

RELATIONSHIP BETWEEN CIVIL SOCIETY ORGANISATIONS AND POLITICAL PARTIES

A direct relationship between Benin's CSOs and political parties is almost non-existent today. To restore their image as free, independent, and citizen organisations, CSOs refrain from maintaining specific relationships with political parties. Equally, political parties are also wary of civil society organisations.

Indeed, there was a time when political parties and CSOs collaborated on joint actions, particularly on the major political issues of the country. These two kinds of entities collaborated during the various fights against the revision of the constitution between 2004 and 2006 and between 2013 and 2016. Unfortunately, the migration of many civil society actors to politics in 2014 seriously handicapped the type of relationship between CSOs and political parties/government. They regularly suspect each other of working for a particular political camp, the majority or the opposition. The same situation applies to CSOs, who gather by affinity (friendship essentially) on specific activities such as election observation, for example, thus ruling out CSOs suspected of being too close to the government.

However, there is still a glimmer of hope for collaboration between CSOs and political parties. CSOs continue to support political parties through capacity-building projects. The Association Béninoise de Droit Constitutionnel (ABDC), Rifonga-Benin, WANEP, and Social Watch Benin are among other organisations that work with political parties on capacity-building programmes. They also advocate for the better promotion of women in politics. In addition to these national CSOs, international NGOs such as the Netherlands Institute for Multiparty Democracy (NIMD) – which has designed a digital platform for political³⁴ parties to introduce the party and

34 www.portailpartispolitiques.bj

interact with citizens – and the International Republican Institute – with projects such as „Increasing the Competitiveness of Elections in Benin“ and „Promoting Political Pluralism in Benin“ – are also doing interesting work with political parties in the country. A formal framework where CSOs and political parties could meet would provide an interesting space for them to discuss technical and pragmatic issues such as peace promotion and the development of the whole country. This kind of forum could contribute to enhancing their service delivery and accountability, and possibly improve their interactions and build trust with citizens.

Case Study of Kenya



**Contribution by:
Javas Bigambo**

POLITICAL PARTIES AND THE DEMOCRATIC SYSTEM IN KENYA

Political parties serve as the fulcrum of democracy. They are the fundamental pillars of democratic practice. Active and meaningful participation of citizens in public affairs is the distinguishing feature of democratic societies, which are judged by the extent to which governments open up to citizen involvement in public affairs and the space they give for citizens to hold the government accountable.³⁵ Good governance is premised upon three characteristics: legitimacy, accountability and transparency – the cornerstones of democracy. These roles are played by political parties, the judiciary, independent constitutional commissions, CSOs, and individuals.

Politics by its nature is participatory, particularly in democratic countries. In Kenya, participation is a principle of governance. The Constitution is emphatic on public participation in the national development process as a means to ensure relevance in public investments. Constitutional provisions on public participation are clearly spelt out in Articles 69 (1) (d), 118, 174, 184, 196, 201 (a), 221 (5), and 232 (1) (d) among others. Politics is an enabler of development. National aspirations in the exordium of the Constitution compel Kenyans to establish ‘a government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law.’

A fundamental principle of democracy is the right of citizens to participate in public affairs as individuals or through organisations such as political parties and civic groups. Participation in political parties helps to aggregate diverse interests, develop compromise and consensus on national policies and legislation, and form governments and legislatures. Citizen participation in CSOs promotes community involvement, government responsiveness and accountability, gives a voice to underrepresented sectors, and helps to focus society’s attention on important issues, among other things.³⁶

35 Karuti Kanyinga

36 Erica Breth (Ed) (2006): Building Party-Civil Society Solutions to Citizen Concerns - A participatory workbook for political party activists

The Constitution of Kenya provides for every citizen to freely make political choices, which includes the rights:

- to form – or participate in forming – a political party;
- to participate in the activities of – or recruit members for – a political party;
- to campaign for a political party or cause.³⁷

Political rights are protected under the Bill of Rights in Kenya’s Constitution.

Elections in Kenya are highly competitive, in part because Kenyan MPs are the highest paid in the world relative to per-capita gross domestic product.³⁸ As of May 2021, there are a total of 73 fully registered political parties in Kenya. To be fully registered, a political party needs to comply with Section 7 of the Political Parties Act, 2011. The Constitution of Kenya characterises components that every political party must attain, for validity and registration. Political parties are required by law to have organisational structures, such as a constitution, offices and office holders, as well as presence and offices in at least 24 out of the 47 county governments for national presence and outlook. Additionally, no political party should be ethnic-based, with a religious inclination, or based on gender or age.

Kenya has a bi-cameral parliament, which constitutes the National Assembly and the Senate. The two tables below present the political affiliation and numerical representation of political parties in Kenya’s parliament.

Table 1.1: Political (Party) Representation in the National Assembly of Kenya

Political Party	Members Represented in the National Assembly				
	Constituency-Elected	Woman Representatives	Nominated Members	Speaker of the National Assembly	Total
Jubilee	141	25	6	1	173
ODM	59	11	3		73

37 Article 38(1) of the Constitution of Kenya 2010

38 Afritorial, 'Infographic: how Kenyan politicians' pay compares globally', 2012, accessed 3 June 2021

Political Party	Members Represented in the National Assembly				
	Constituency-Elected	Woman Representatives	Nominated Members	Speaker of the National Assembly	Total
Wiper Kenya	19	3	1		23
Amani National Congress	12	1	1		14
FORD Kenya	11	1	1		13
KANU	8	2			10
Economic Freedom Party	4	1			5
Maendeleo Chap Chap Party	3	1			4
Party of Development and Reforms	3	1			4
Chama Cha Mashinani	2				2
Kenya National Congress	2				2
Kenya People's Party	2				2
Peoples Democratic Party	2				2
Chama Cha Uzalendo	1				1
Democratic Party	1				1
Frontier Alliance Party	1				1
Movement for Democracy and Growth	1				1
Muungano Party	1				1
National Agenda Party	1				1
New Democrats Party	1				1
PNU	1				1

Political Party	Members Represented in the National Assembly				
	Constituency-Elected	Woman Representatives	Nominated Members	Speaker of the National Assembly	Total
Independent Candidates	13	1			14
Vacant	1				1
Total	290	47	12	1	350

Kenya’s political economy can be characterised as a centralised political system with a strong executive power alongside political parties with weak ideologies. Due to historical relations between ethnic groups, the ethnic background of the current government also affects political dynamics and voters’ preferences.³⁹

Table 1.2: Political (Party) Representation in the Senate

Political Group	Total Number of Seats	Elected County Seats (Representing all 47 County Governments)	Women Seats	Male Youth Representative(s)	Rep. of PWDs
Jubilee Party	34	24	8	1	1
Orange Democratic Movement (ODM)	20	13	5	1	1
Wiper Democratic Movement-Kenya (WDM-K)	3	2	1	0	0
Amani National Congress (ANC)	3	2	1	0	0
Kenya African National Union (KANU)	3	2	1	0	0

39 Afritorial, ‘Infographic: how Kenyan politicians’ pay compares globally’, 2012: A Political Economy Analysis, accessed 3 June 2021

Political Group	Total Number of Seats	Elected County Seats (Representing all 47 County Governments)	Women Seats	Male Youth Representative(s)	Rep. of PWDs
Forum for the Restoration of Democracy (FORD-KENYA)	1	1	0	0	0
Independents	1	1	0	0	0
Chama Cha Uzalendo (CCU)	1	1	0	0	0
Party for Development and Reform (PDR)	1	1	0	0	0
Total	67	47	16	2	2

Tabular Analysis

From the tabular presentations above, it demonstrates that the Jubilee Party commands great representation in the National Assembly and the Senate, more than the ODM party or any other party. This signifies that the ruling party has control of both houses, making its governing agenda to have fewer huddles necessitated by bipartisan trade-offs. The Jubilee Party commands leadership of both Houses, dovetailed by the ODM party. Ideally, political parties serve as platforms of ideologies and programmes about which the public makes choices or preferences.

PERSPECTIVES ON POLITICAL ALLIANCES/ COALITIONS IN KENYA

In 2002, a broad-based pre-electoral alliance, the National Rainbow Coalition (NARC), won the national elections in Kenya. The NARC beat the ruling party KANU, which had reigned as the ruling political party for nearly 40 years after Kenya's independence from British colonial rule in 1963. This was the beginning of the rise of coalition politics among political parties in Kenya, especially in the electioneering periods. Hitherto, Kenya's politics is controlled by pre-election and post-election coalition building, which is provided for by the Political Parties Act. The Jubilee Party is a result of a merger of various political parties in the run-up to the 2017 general elections, and still has pre-election and post-election agreements with other smaller parties. This accentuates its command in both Houses.

POLITICAL PARTIES AND MEDIA RELATIONS IN KENYA

Political communications consist of dynamic and responsive transmission of information between politicians and political parties, through traditional and new media to the public, with a view to influence, shape opinions, and set agendas.

The basis for informed participation in Kenya has been crystallised by the constitutional entrenchment of the right to information, public participation, freedom of speech, freedom of the media, and the right to be involved in political activities. Freedom of expression and media freedom are both constitutionally guaranteed rights under the Constitution⁴⁰ of Kenya. This means that the wanton crackdown of the media by the government, as used to be the case during the dictatorial regime of the KANU party, has been consigned to the historical past.

40 Articles 33 and 34 of the Constitution of Kenya 2010

CIVIL SOCIETY AND MEDIA RELATIONS

There are close partnerships between civil society organisations (CSOs) and media practitioners from Kenya working on human rights, democratic development, transparency, digital media, women and youth empowerment, legal aid, litigation, and other issues of public interest.

Enabling environments for civil society are embodied by the protection and promotion of universally accepted human rights norms and standards which allow people to organise, participate and communicate freely with each other, and together effect change that benefits the society as a whole. Central to reclaiming civic space is defusing the often-antagonistic relationship between government and civil society by:

- forging strategic partnerships

- identifying potential political and policy spaces where there may be opportunities to influence decision-making

- building alliances and networking beyond mainstream civil society and traditional media platforms

- strengthening peer accountability within sub-sectors and across sectors

- designing creative and innovative expressions of solidarity, communication and collaboration

- developing joint advocacy strategies

- identifying and scaling up practices that are working well elsewhere

- leveraging the support of allies including development partners⁴¹

41 <https://www.icnl.org/wp-content/uploads/Final-East-Africa-CSO-Media-Workshop-Report.pdf>

In Kenya, consultative forums on civic space have convened, such as the PBO Leaders' Summit held in July 2017, where six presidential candidates for the August elections signed a pledge to operationalise the PBO Act, protect Civic Space, and hold dialogue between civic space actors and government.⁴²

CIVIL SOCIETY ORGANISATIONS IN KENYA: INSTITUTIONAL, LEGAL AND POLICY FRAMEWORKS

CSOs play a role in encouraging government action through persistent advocacy and act as watchdogs holding governments accountable to their commitments.⁴³ The history of Kenya's democratic struggles and gains cannot be written without the central role played by the collaboration between CSOs, political parties and individual activists. Agreeably, some of the recent contributions of civil society in Kenya include:

- community policing

- regularisation of the private security sector

- advocacy (highlighting human rights abuses, raising awareness)

- monitoring the judiciary

- raising awareness among policymakers and the public

42 <https://www.icnl.org/wp-content/uploads/Final-East-Africa-CSO-Media-Workshop-Report.pdf>

43 Asige Mmaiti Lawrence (2020): Revitalizing Civil Society Organizations in Kenya: An Assessment of Their Contribution to Achieving Sustainable Development Goals in Narok County

Historically, CSOs have been an essential component of a healthy democracy as they serve as a crucial conduit between the state and its citizens.⁴⁴ Kenya has some of the most agile and spirited CSOs in the region and on the African continent. There exist approximately 10,000-15,000 registered CSOs in Kenya⁴⁵ and, with such numbers, the CSO space needs to be regulated. Civil society and CSOs have grown substantially in number and influence over the past decades in Kenya (Mulama 2008). Since the end of one-party rule in 1991 and the repression of the late 1970s and 1980s, organised civil society has experienced tremendous growth and visibility.⁴⁶ Undoubtedly, the oppositional segment of civil society in Kenya has contributed to the achievement of some striking political victories in the struggle against the state.

Some of Kenya's leading CSOs include:

- The Institute of Social Accountability

- Kenya Human Rights Commission

- International Budget Partnership

- Institute of Certified Public Accountants of Kenya

- International Development Research Centre

- Kenya Agricultural Value Chain Enterprises

- Kenya Private Sector Alliance

- Transparency International

- Ahadi Kenya Trust

- Ford Foundation

44 Erica Breth (Ed) (2006): Building Party-Civil Society Solutions to Citizen Concerns - A participatory workbook for political party activists

45 Frank Khachina Matanga (2000), PAPER TITLE: CIVIL SOCIETY AND POLITICS IN AFRICA: THE CASE OF KENYA*

46 Mulama, J. (2008) 'Kenya: Civil Society's Policy-Making Role A Work in Progress', Inter Press Service News Agency

- Care International

- Future Group Project

- Katiba Institute

- Urban Sector Working Groups

- Kenya Alliance of Residents Association

- National Council of Churches of Kenya

- Kenya Muslim Youth Alliance

- Catholic Justice and Peace Commission

- Great Commission Foundation

- Nakuru Citizen Watch Forum

- Capacity Development Initiatives

- Africa Centre for Open Governance

- Africa Youth Trust

- URAIA Trust

- Amkeni Wakenya

- ActionAid

- Ni Sisi Devolution Forum

- Centre for Economic Governance

- Local Government Decentralization Unit Urban Legislation

- Land and Governance

- Independent Medico Legal Unit

- Youth Agenda

- Muslims for Human Rights

- Kituo Cha Sheria

- Kenya Land Alliance

Much of Kenya and Africa’s development has been catalysed by the contribution of CSOs.⁴⁷ Ordinarily, the role of CSOs (Non-State Actors) at National or County levels with social accountability programmes and projects in Kenya should largely involve capacity building of grassroots groups that are formed and managed by residents themselves, especially at Ward level.⁴⁸ The key results of such capacity-building programmes should be increased knowledge and skills among Ward residents to be able to meaningfully monitor service delivery and consistently hold the duty bearers accountable for their actions and inactions. It is important that CSOs based at National or County levels recognise and appreciate article 174(d) of the Constitution that has a focus on recognising the right of communities to manage their own affairs and to further their development.

The Constitution of Kenya recognises that the power lies with the citizens themselves. They have the powers of self-governance and they have the space to participate in various stages and aspects of decision-making, in terms of setting priorities, planning, budgeting, execution of plans and budgets, and the general monitoring of service delivery in their own interests and that of their communities. The devolved system of governance in Kenya provides a great opportunity for citizens to directly engage with government officials without going through organisations that may be viewed as “bridges” (not grounded and based within the communities and Wards).

47 Matanga, F. (2000) ‘Civil Society and Politics in Africa: The Case of Kenya’, paper presented at Fourth International Conference of ISTR, Dublin, Ireland

48 Wards are administrative units of sub-counties in Kenya. There are 290 sub-counties and 1450 Wards in the country.

In Kenya, there exists a legal framework for the regulation of CSOs in Kenya. Regrettably, intersecting laws present snags for the government in developing synchronised, systematic and coordinated plans for regulating the civil society space. Some of the regulatory agencies are under-resourced and find it difficult to manage their basic functions effectively. A case in point is the Non-Governmental Organisation Coordination Board (the government body that regulates NGOs) who can give directives on NGOs to file their annual returns. However, it lacks the requisite ability to monitor and enforce⁴⁹ said directives. In December 2014, the NGO Coordination Board de-registered 540 organisations for accusations of non-compliance with the law, while others were de-registered on allegations of using their charitable status as a front for raising funds for terrorism. Fifteen out of those 540 NGOs were accused of links with terrorism. Nonetheless, no charges were pressed against any of the NGOs or their directors.

As an intermediary phenomenon located between the private sphere and the state, civil society provides the basis for the limitation of state power, for the control of the state by society, and thus for democratic political institutions as the most effective means for exercising that control.⁵⁰ Furthermore, civil society supplements the role of political parties in stimulating political participation, increasing the political efficacy and skill of citizens, promoting an appreciation of the obligations and rights of democratic citizenship, and articulating, aggregating and representing interests.⁵¹ Regardless of the fact that successive Kenyan governments have had a history of suppressing CSOs through formal and informal restrictions on the freedoms of assembly, the Constitution of Kenya guarantees the right of CSOs to receive donor funding.

The existence and operational space of CSOs in Kenya is also protected. The Constitution of Kenya provides a framework for the existence and operation of CSOs, sheltered by the Bill of Rights. It enumerates national values and principles of governance among which are public participation, the rule of law, sustainable development, and equality. The Constitution also provides for fundamental rights such as the freedom of expression, the right of access to

49 The NGO board reported that out of the 11600 registered NGOs only about 30% file returns. The board is currently trying to verify the status of remaining NGOs to update its register but is hampered by insufficient resources and the manual nature of operations.

50 Wanjala S. Nasong'o; Revisiting 'the two faces of civil society' in constitutional reform in Kenya; in Godwin R. Murunga, Duncan Okello and Anders Sjögren (Eds) (2014): Kenya: the struggle for a new constitutional order. Zed Books 2014

51 Ibid.

information, the freedom of association, and the freedoms of assembly, demonstration, picketing and petition.⁵² Article 2 of the Constitution further incorporates international law, including human rights treaties which Kenya has ratified directly into national law.⁵³

Democracy and political rights can only be achieved when people’s freedom of speech, association and movement are sustained. In April 2017, the High Court of Kenya declared Section 132 of the Penal Code unconstitutional resulting in its repeal.⁵⁴ The provision criminalised anyone whose statements or acts “[excited] defiance of or disobedience” to public officers, or were “calculated to discredit” them, punishable by up to three years’ imprisonment. These extremely vague terms enabled its routine misuse by state officials versus government critics.⁵⁵ This also demonstrates the extent to which CSOs have moved to ensure the promotion of fundamental rights and freedoms in Kenya.

Purposefully, the Constitution⁵⁶ provides that one object of devolution is “to give powers of self-governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them.” The Constitution assigns the responsibility to ensure, facilitate and build the capacity of the public to participate in the governance of the county government through function 14 (Schedule 4 Part 2). As such, county governments are required to:

- Create mechanisms of engagement by ensuring and coordinating the participation of communities and locations in governance;
-
- Build capacity by assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers.
-

52 The Constitution of Kenya 2010, Articles 10, 33, 35, 36 and 37

53 The Constitution of Kenya 2010. Available at: <http://www.kenyalaw.org/lex/actview.xql?actid=Const2010>

54 Petition 174 of 2016 Robert Alai v The Hon Attorney General & another [2017] eKLR Available at: <http://kenyalaw.org/caselaw/cases/view/135467/>

55 Win for freedom of expression as penal provision declared unconstitutional,” Article 19, press release, April 26, 2017, <https://www.article19.org/resources.php/resource/38727/en/kenya:-win-for-freedom-of-expression-as-penal-provision-declaredunconstitutional>

56 Constitution of Kenya 2010 Article 174(c)

Table 1.3: Constitutional and Legal Provisions for Public Participation that Expand Spaces for Civil Society Organisations

Article 1 (2) of the Constitution of Kenya, 2010	All sovereign power belongs to the people of Kenya. The people may exercise their sovereignty directly or through their elected representatives.
Article 10 (2) a, b, c	The national values and principles of governance include; democracy and participation of the people; inclusiveness; good governance, integrity, transparency and accountability.
Article 27	The Constitution guarantees equality and non-discrimination. Hence, public participation should ensure equality and non-discrimination.
Article 33	Public participation should respect the freedom of expression of all participants.
Article 35	The Constitution guarantees the right to access information by citizens.
Article 174 (c)	Objects of devolution are; to give powers of self-governance to the people and enhance their participation in the exercise of such powers in decision making.
Article 174 (d)	Communities have the right to manage their own affairs and to further their development.
Article 184 (1)	National legislation shall provide for the governance and management of urban areas and cities and shall provide for the participation of residents in the governance of urban areas and cities.
Article 232 (1) (d)	The values and principles of public service include the involvement of the people in the process of policy making and (f) transparency and provision to the public of timely and accurate information.
Fourth Schedule Part 2 (14)	The functions and powers of the county are to coordinate and ensure the participation of communities in governance. Counties are also to assist communities to develop the administrative capacity to enhance their exercise of power and participation in governance at the local level.
The Public Finance Management Act Section 207	County Governments are to establish structures, mechanisms and guidelines for citizen participation.

County Government Act Section 91	The county government shall facilitate the establishment of modalities, and platforms for citizen participation.
The County Government Act Sections 94, 95, 96	Counties are to establish mechanisms to facilitate public communication and access to information using media with the widest public outreach. Every county shall designate an office for ensuring access to information
County Government Act Sections 100 and 101	County governments should create an institutional framework for civic education.
Urban Areas Act Sections 21, 22	Overarching theme is participation by the residents in the governance of urban areas and cities. The Second Schedule of the Act provides for the rights of, and participation by residents in affairs of their city or urban areas.
Public Procurement and Disposal Act 2015 Section 68 (3), 125 (5), 138, 179	Emphasis on transparency of the procurement process including requirements for procuring entities to publicly avail procurement records after closure of proceedings, publicise notice of intention to enter into contract on websites and public notice boards and publish and publicise all contract awards.

After the promulgation of the new Constitution in 2010, Kenyan CSOs formed the CSO Reference Group to develop and implement a legal regulatory framework for organisations working for the public’s benefit. The Reference Group included representation of civil society and the government, and sought to improve the governance, accountability and transparency of the civil society sector. The CSO Reference Group met regularly and played a major role in the drafting and passing of the 2013 Public Benefits Organization (PBO) Act, which created a healthy regulatory environment for CSOs in Kenya. Unfortunately, the government has failed to fully implement the PBO Act, which has limited its effectiveness.⁵⁷ Following the assent and enactment of the PBO Act, the government attempted to restrict the rights of CSOs by passing a series of amendments to the Act. Among the amendments was a restriction on the amount of funding a CSO could receive from foreign donors to 15% of an organisation’s total budget. The amendment would have virtually eliminated the civil society sector, which struggles to generate revenue from domestic sources.

57 <https://www.movedemocracy.org/case-studies/kenya>

In 2015, the CSO Reference Group used the occasion of United States President Barack Obama’s trip to Kenya to attend the Global Entrepreneurship Summit in order to pressure the Government of Kenya into respecting CSO rights. Ahead of the Summit, they sent a letter to President Obama describing how Kenyan CSOs are subject to seizure of documents, freezing of bank accounts, suspension of insurance coverage and de-registration. The letter asked President Obama to urge the Government of Kenya to implement the PBO Act as it was drafted.⁵⁸

In January 2017, the Ministry of Interior and National Coordination again tried to limit the rights of CSOs by instructing County Commissioners throughout Kenya to shut down those that were not properly licensed or were implementing projects that they had not been registered to carry out. In response, CSOs convened a Public Benefit Organisations Summit to provide a constructive platform for leaders of CSOs, as well as their allies in government, to express their concerns about the directive and make public pronouncements on issues relating to civic space. Unfortunately, Ministry officials did not participate in this meeting.⁵⁹

There is no doubt about the significance of CSOs in Kenya, which is recognised even by Kenya’s development partners. As captured in the “EU Roadmap for Engagement with Civil Society in Kenya: 2019-2022”, the European Consensus on Development⁶⁰ details that:

“17. The EU and its Member States value the participation of civil society organisations(CSOs) in development and encourage all parts of society to actively engage. They recognise the multiple roles that CSOs play as promoters of democracy and defenders of rights holders and of the rule of law, social justice and human rights. The EU and its Member States will promote civil society space and enhance their support for building the capacity of CSOs, so as to strengthen their voice in the development process and to advance political, social and economic dialogue.

62. The EU and its Member States will support an open and enabling space for civil society, inclusive approaches and transparency in decision-making at all levels.”

58 <https://www.movedemocracy.org/case-studies/kenya>

59 <https://www.movedemocracy.org/case-studies/kenya>

60 New European Consensus on Development – ‘Our world, our dignity, our future’, Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission, 6 June 2017

From the insights in the section above, it is notable that the current Constitution of Kenya is very progressive in the sense that it devotes a whole chapter (Chapter Four: The Bill of Rights) to social, economic and political rights of individuals and that chapter is what strengthens civil society and the media in Kenya.

CIVIL SOCIETY ORGANISATIONS CHAMPIONING PUBLIC INTEREST MATTERS

The relationship and collaboration between the Kenyan government and CSOs has been complex to say the least. It ranges from big reform wins like the promulgation of the Constitution of Kenya in 2010 to the controversial handling of the International Criminal Court (ICC) post-election violence cases of 2007.⁶¹ This complex relationship prevented Kenyan CSOs from proactively engaging in co-creating open government reforms when the country became a member of the Open Government Partnership (OGP). National chapters of international CSOs – such as Hivos, ARTICLE 19, the International Budget Partnership, the International Commission of Jurists, and Transparency International – led the efforts to institute the OGP in the country, while the contributions of local organisations remained modest.

Various CSOs are credited with aggressively taking up and championing public interest matters, which seek to advance constitutionalism and safeguard the rule of law. These are evidenced through public interest litigation mostly. Two cases in point are the following:

- a)** David Ndii & others v Attorney General & others (the BBI Judgment Petition No. E282 of 2020 (consolidated with petition Nos. 397 of 2020, E400 of 2020, E401 of 2020, E402 of 2020, E416 of 2020, E426 of 2020 and 2 of 2021))

On 13 May 2021, the Constitutional and Human Rights Division of the High Court of Kenya handed down its judgment in David Ndii & others v Attorney General & others. Through this landmark decision, the Judiciary boldly upheld and affirmed the sovereignty of the people and the supremacy of the Constitution, while reclaiming its independence. The court stated that the action by the President to initiate, support and lead the

61 <https://www.opengovpartnership.org/stories/in-kenya-the-ogp-process-provides-space-to-re-define-civil-society-relations-with-government/>

BBI process amounted to abuse of office and a violation of Chapter Six of the Constitution of Kenya on Leadership and Integrity. While this was yet again another fundamental moment for Constitutionalism in Kenya, the political class have continued to express their displeasure with the decision; with Members of County Assembly, Parliament and Senate calling it judicial activism.

b) Katiba Institute & 3 others v. Attorney General & 2 others (Constitutional Petition No. 548 of 2017; [2018] eKLR)

On 6 April 2018, the Constitutional Division of the High Court of Kenya handed down a judgment on the constitutionality of provisions of the Election Laws (Amendment) Act No. 34 of 2017 (ELAA) which had amended three pieces of legislation: the Elections Act, 2011 (Elections Act); the Independent Election and Boundaries Act 2011 (IEBC Act); and the Elections Offences Act No. 37 of 2016 (Election Offences Act). Four public interest litigants – Katiba Institute, the African Centre for Open Governance (AfriCOG), Okiya Omtatah Okoiti and David Ouma Ochieng – had filed separate petitions against the Attorney General, the Government Printers and the National Assembly challenging the constitutionality of these provisions. Their petitions were later consolidated.

The petitioners argued that the amendments hindered transparency and accountability in the electoral system and violated the constitutionally set national values and principles as well as the general principles of free and fair elections. They argued that the amendments were meant to circumvent the majority judgement in *Raila Odinga & another v Independent Electoral and Boundaries Commission & 2 others* [2018] eKLR. However, the respondents argued that the amendments were constitutional and the Legislature was exercising its duties when it enacted the law.

The Court found that the amendments to the IEBC Act were unconstitutional as they negatively affected the functioning of the IEBC. With respect to the amended provision dealing with the definition of the chairperson of the IEBC, the Court found the provision too wide since only an individual appointed as per the Constitution could fall within the definition of a chairperson.

With regards to the amended provision on the vice chairperson or other commissioners filling in a vacant office of the chairperson, the Court held that only a person who was qualified under the Constitution as a chairperson could fill in the vacancy and perform the constitutional functions of a chairperson and that any other person, whether in an acting capacity or not cannot be defined as a chairperson. On the amended provision that allowed the vice chairperson or any other commissioner to exercise the chairperson's functions on reason of absence, the Court made a finding that it was unconstitutional in so far as it allowed someone not qualified under the Constitution to take the office of the chairperson.

The Court further held that the amended provisions dealing with the physical and the electronic transmission of results were not clear and were unconstitutional as they were not transparent and could lead to manipulation of results. Furthermore, the Court held that by enacting the amended provision which stated that failure to transmit or publish election results in an electronic format shall not invalidate the results declared by the presiding and the returning officers, Parliament acted contrary to the constitutional principles of free and fair elections. On the amended provision which stated that the results that were streamed live were only for the purposes of public information and not for the declaration of results by the IEBC, the Court held that this was contrary to the constitutional principles of transparency and accountability. This was because the live streaming of election results was one of the ways citizens should be able to compare and confirm the accuracy between the live transmitted results and the final declared results.

INTERLINK BETWEEN CIVIL SOCIETY ORGANISATIONS AND POLITICAL PARTIES

For three decades now, CSOs in Kenya and its political spaces have fully and firmly engaged with political parties to strengthen Kenya's democratic fabric. Generally, CSOs are state organisations which include;

- Community groups (self-help groups)

- Non-governmental organisations (NGOs)

- Trade/Labour unions

- Indigenous groups

- Charitable organisations

- Faith-based organisations

- Professional associations

- Foundations

Civil society in Kenya has played a huge role in agitating for the return of multi-party democracy. It was unequivocal in fighting the dictatorship under former President Moi and his political party KANU. Many civil society members faced harassment, torture, unlawful detention, and some even lost their lives in the process. Since the advent of multi-party democracy, SCOs have ably safeguarded the democratic space by working closely with opposition political parties and checking the actions of government. Public participation has also been undermined over the years by constrained democratic governance structures, particularly during the single-party period. During this period, basic liberties and freedoms including the freedom of information, association, press, and political participation were all under several limitations.

Cooperation Between Civil Society Organisations and Political Parties in Kenya's Governance Spaces

CSOs in the political and governance sphere have at various times worked together with political parties towards the common goal of enriching Kenya's democracy. There is no doubt that the cooperation between political parties and CSOs has elevated their role in the socio-economic and political development of Kenya. Over the last twenty-five years, Kenya has generally witnessed an exponential growth in the number and influence of non-governmental organisations. In the context of dissent and diversity in the social order and body politic, parties are supposed to be 'parts' of a whole and should pursue the interest of their members and the national interest within agreed principles.⁶²

In Kenya, CSOs have continued to exert influence in the governance space, including matters to do with constitutional reforms and electoral reforms. Real electoral reforms have remained a major challenge in Kenya. However, the Constitution of Kenya is emphatic on the need to have citizens (of age of majority) exercising their political rights; free, fair, and verifiable elections; free from improper influence; free from violence; transparent; and administered in an absolutely impartial manner.

In 2016 and in the months leading up to the political primaries before the 2017 general elections, there was a clamour for electoral reforms that culminated in violent public demonstrations that led to the death of five people, hundreds injured and destruction of property. On record, spirited calls by the Kenya National Commission on Human Rights (KNCHR), CSOs and religious bodies to the two main political divides to hold a dialogue and end the violence finally bore fruit in June 2016 when a joint parliamentary committee was formed.⁶³ The KNCHR report stated that the joint committee held public hearings with key stakeholders (the KNCHR included) and received memoranda and recommendations on the key election reforms agenda. This exercise culminated in a politically negotiated exit of the IEBC Commissioners under the leadership of Issack Hassan, the enactment of the Election Laws (Amendment) Act of 2016, and the Election Offences Act of 2016.⁶⁴ However, in January 2017 and in a twist of events, an amendment to the negotiated Elections Laws was acrimoniously passed in parliament amidst protests from the opposition. This turn of events further polarised the nation into ethnic and political divides that heightened tensions in the country.

62 Friedrich Ebert Stiftung (FES) (2010): Institutionalizing Political Parties in Kenya. Friedrich Ebert Stiftung (FES), Nairobi

63 Kenya National Commission on Human Rights (2017): The Fallacious Vote – A Human Rights Account of the 2017 Political parties Primaries

64 Ibid.

The basis of continuous electoral reforms is to entrench, safeguard and propagate election integrity throughout the election cycle. CSOs have proactively been using public spaces and the courts to protect public interest and accentuate good governance. While there is historical evidence of synergy between CSOs and political parties, there is no example of any leader of a CSO who is also actively in leadership or coordinating the affairs of any one political party. What is evident is that a person fully and actively belongs to either a political party or a CSO.

The cooperation between CSOs and political parties in Kenya continues to enhance the fabric of Kenya's democracy. The Office of the Registrar of Political Parties (ORPP) – with the support of Uraia Trust – held a meeting with CSOs from 24 to 26 November 2020 in Machakos.⁶⁵ Its object was to discuss and give recommendations on the Party Primaries Bill published on 2 October 2020 by the Senate. The bill aims to outline a common coordinated framework for the management of political parties' primaries in Kenya. It seeks to bring sanity and stipulate enforceable measures for free, fair, and credible conduct of the primaries that have been marred by contestation and characterised by a lack of coordination in the past.

Separately, key CSOs – such as the Centre for Multiparty Democracy Kenya – toil to build interlinks with political parties through structured programmes. The key focus for the Political Parties' Strengthening Programme by CMD-Kenya is to strengthen the institutional capacities of political parties to enhance their role in policymaking. The programme also supports political parties in establishing and strengthening working relationships with other actors including CSOs for joint lobbying and advocacy to benefit the overall quality of the policies. Through the programme, CMD-Kenya organises outreach campaigns with relevant stakeholders and facilitates broad cross-party dialogue on those issues that come out of the outreach sessions. This is intended to ensure that citizens' voices are articulated at various levels of policymaking. The cross-party platform is also supported to be able to facilitate and host interparty dialogue as a means for joint lobbying and advocacy. In doing so, parties have a stronger voice to promote their issues and policy ideas.⁶⁶ Additionally, CMD-Kenya promotes intraparty dialogue initiatives. The focus is to improve multi-party democratic practice underpinned by constructive inter/intra-party dialogue based on policies and collaboration. Through this, the programme seeks to enable political parties to be effective promoters of peaceful resolutions of political conflicts and offer dialogue platforms for civil society and political parties in order to find solutions to issues of national concern and of concern to young people in Kenya.⁶⁷

65 <https://www.orpp.or.ke/index.php/8-latest-news/169-orpp-convenes-lobby-groups-to-deliberate-on-party-primaries-proposed-law>

66 <https://cmd-kenya.org/service/party-strengthening/>

67 <https://cmd-kenya.org/service/intra-and-interparty-dialogue/>

Furthermore, CMD-Kenya has conducted various studies with political parties and citizens on matters of electoral integrity and governance with a view to enabling free, fair and transparent elections.

Election administration and voting rights concerns continue to remain fundamental issues of interest in every democracy, from first-world countries to third-world countries and developing democracies. With regard to electoral processes, acts of fraud affect vote counts to bring about an election result, whether by increasing the vote share of the favoured candidate, depressing the vote share of the rival candidates, or both.⁶⁸ Against this background, the Konrad Adenauer Foundation (KAS), a German political entity working in Kenya to promote democratic principles, partnered with the Centre for Multi-Party Democracy (CMD). The objective of this partnership is to engage young members of political parties in debates on challenges affecting the process and outcome of elections in Kenya, with a focus on voter bribery as an election malpractice.⁶⁹

IMPACT OF CIVIL SOCIETY ORGANISATIONS IN KENYA'S CONSTITUTIONAL STRUGGLE

The primary obligation to promote and protect human rights lies with the State. However, every individual and other non-State actors also have the responsibility and duty to respect the rights of their fellow human beings. It is vital that, in the establishment of a human rights culture, no one is excluded and that the most vulnerable are included. For democracy to prevail, it is imperative that it reaches every citizen.⁷⁰

Following two decades of protracted and heightened activism by opposition political parties, civil society organisations, and individual activists for constitutional reform in Kenya, a new constitution was finally adopted via a referendum on 4 August 2010 in which 67 per cent of the voters voted in favour of the new Constitution.

68 Bigambo Javas (2016): VOTER BRIBERY AS AN ELECTION MALPRACTICE IN KENYA - A SURVEY REPORT

69 https://www.kas.de/c/document_library/get_file?uuid=d95d9679-de9d-cfa9-0761-9b17bd5e3eea&groupId=252038

70 <https://www.theelephant.info/op-eds/2020/10/16/the-role-of-kenyan-civil-society-in-democratic-governance/>

In Kenya, civil society is seen in the context of the heterogeneity of an entire range of organised groups, individuals, and institutions that are independent of the state, voluntary, and to some extent self-generating and self-reliant. This includes those individuals and organisations that the majority of Kenyans see as being the civil society, as well as independent media, think tanks, universities, and social and religious groups.⁷¹ Among the leading CSOs in the push for constitutional reform were⁷²:

- The Citizens' Coalition for Constitutional Change (4Cs)

- The Centre for Multiparty Democracy – Kenya (CMD-K)

- The Kenya Human Rights Commission (KHRC)

- The National Council of the Churches of Kenya (NCCK)

- The Catholic Peace and Justice Commission (CPJC)

- The Law Society of Kenya (LSK)

- Release Political Prisoners (RPP)

- The Constitution and Reform Education Consortium (CRECO)

- Social Development Network (SODNET)

Civil society has been an incubator and supplier of ideas on content and strategies regarding State transformation and building an open and pluralistic society. Perhaps the struggle for multipartyism and a new constitutional order culminating in the progressive Constitution of Kenya amplifies this critical role of civil society.⁷³ Today, there is a growing movement of civil society in the implementation of the constitution and championing of devolution of powers

71 <https://www.theelephant.info/op-eds/2020/10/16/the-role-of-kenyan-civil-society-in-democratic-governance/>

72 Wanjala S. Nasong'o; Revisiting 'the two faces of civil society' in constitutional reform in Kenya; in Godwin R. Murunga, Duncan Okello and Anders Sjögren (Eds) (2014): Kenya: the struggle for a new constitutional order. Zed Books 2014

73 Read more at: <https://www.theelephant.info/op-eds/2020/10/16/the-role-of-kenyan-civil-society-in-democratic-governance/>

and resources under the banner of the Tekeleza Katiba movement. Additionally, civil society has not shied away from working and organising political parties into a formidable socio-political movement. This capacity was demonstrated in 1997 and 2002.⁷⁴

Nonetheless, concerns over the shrinking of civic and democratic space have become a major governance issue for civil society and other independent voices and actors, at all levels in society. Constraining the civic and democratic space is done through punitive and prohibitive governance frameworks targeting Public Benefit Organisations (PBOs), Faith-Based Organisations (FBOs), media organisations, trade unions, Constitutional Commissions, as well as other independent state and non-state actors. Some tactics used to shrink civic spaces include⁷⁵:

1. Burdensome registration requirements for civic actors and other registration restrictions;

2. Restricting financing from foreign sources;

3. Harassment of staff and partners, arrests and intimidation during outreach activities;

4. Censorship, clampdowns and de-registration;

5. Specific targeting of individuals for extortion, arrests and brutalisation;

6. Challenges in obtaining work permits and visas, challenges of in-country registration of international agencies;

7. Disproportionate penalties for non-compliance with regulatory laws;

8. Difficulty in getting approvals from governments especially for RBA programmes when compared to humanitarian programmes;

9. Undue surveillance by security forces;

74 Ndung'u Wainaina (2020); The Role of Kenyan Civil Society in Democratic Governance

75 Kenya Human Rights Report (2016): "TOWARDS A PROTECTED AND EXPANDED CIVIC SPACE IN KENYA AND BEYOND" A Status Report and Strategy Paper Developed for the Civil Society Sector in Kenya

10. Limited government consultation with respect to policy development;

11. Intimidation and targeting individual activists;

12. Restrictions on online access and space;

13. Banning or criminalisation of protests and other forms of picketing, limiting the ability of citizens to organise and demonstrate;

14. Severe reporting requirements with penalties for failure;

15. Requirements to declare the identity of donors.

CSOs here register as NGOs, companies, societies, or trusts, which is an assortment that makes them vulnerable to deregistration and even banning. This confusing structure was subject to change in 2013, after the signing of the Public Benefit Organizations Act by then-President Mwai Kibaki. This created a more streamlined regulatory process for CSOs. The law clarified registration criteria, established timelines for how long an application can be processed, and limited the powers of the new body tasked with managing NGOs – the Public Benefit Organizations Regulatory Authority. Under the new law, this authority can only cancel or suspend registration of an organisation under specific guidelines.⁷⁶ The CSO Reference Group, an umbrella network of local and international NGOs and CSOs operating in Kenya, played a key role in developing the legislation, and providing the government with input on how to improve the sector. More than 1,500 civil society leaders offered their input over years of consultation. The law was meant to revamp and streamline registration and enhance the dialogue between CSOs and the government. Many CSOs applauded the legislation, welcoming the chance for a more constructive relationship with government.

However, the law has yet to take effect because the cabinet secretary of the Ministry of Interior and Coordination of National Government has not published the law in the official gazette, despite several Supreme Court rulings requiring it to be done. The resulting legal limbo has contributed to a climate of mutual distrust between the government and civil society.

76 <https://www.devex.com/news/legal-limbo-leaves-kenya-civil-society-vulnerable-to-targeting-91059>

CSOs are perceived to wield influence in monitoring elections. AfriCOG, for example, questioned the nation's preparedness in the lead-up to the August vote, and the KHRC was critical of the torture and murder of a key election official in the week leading up to the election.⁷⁷

Various CSOs in Kenya have spiritedly fought for Kenya's democratic reforms and a new constitutional dispensation. They include⁷⁸:

- The Coalition for National Convention (CNC)

- The Kenya Human Rights Commission (KHRC)

- The Release Political Prisoners (RPP) pressure group

- The National Union of Kenyan Students (NUKS)

- Restoration of Workers Freedom and Rights (RWFR)

- The Kenya Exiles (KE)

- The Kenya Ex-Political Prisoner Organisation (KPPO)

- The Student Organisation of Nairobi University (SONU)

- The Matatu Vehicle Owner Association (MVOA)

- Kenya Youth Foundation Movement (KYFM)

- The Policy Advisory Foundation (PAF)

- The February 18th Movement (FM)

77 <https://www.devex.com/news/legal-limbo-leaves-kenya-civil-society-vulnerable-to-targeting-91059>

78 Musambayi I Katumanga (2004). Civil Society and The Politics of Constitutional Reforms in Kenya: A Case Study of the National Convention Executive Council (NCEC)

Another CSO – ICJ Kenya – is proactively involved in supporting safeguards, reforms, and adherence to progressive constitutional, legal, policy and institutional frameworks. Additionally, it aims to strengthen electoral management bodies, electoral processes, and electoral dispute resolution mechanisms. Furthermore, ICJ Kenya conducts periodic research on emerging constitutional issues in order to inform thinking and practice. Their overall objective is to promote the rule of law, champion democratic governance, advance justice, and safeguard human rights, thereby enabling people to live in dignity and harmoniously coexist with each other and their environment.

For many years, NGOs such as the Centre for Multiparty Democracy Kenya (CMD) have been partnering with others because they want to ensure that the youth – who constitute the bulk of voters – participate fully in the forthcoming elections.

Attempts to Amend the Constitution of Kenya 2010⁷⁹

a) The Central Organization of Trade Unions (COTU-K) and the Building Bridges Initiative (BBI)

The Building Bridges Initiative (BBI) was an initiative established by the President of the Republic of Kenya H.E. Uhuru Kenyatta and the former Prime Minister H.E. Raila Odinga in an attempt to stabilise the politics and economy of Kenya.

The Central Organization of Trade Unions (COTU-K) prides itself on being the proponent of the BBI. This is because the Secretary General of COTU (K) Francis Atwoli, during the 2017 International Labour Day Celebrations, asked Kenyans to rethink amending the constitution so as to achieve political stability. It is politics that determines the development of the country, and especially the development of workers. For this reason, the COTU (K) has been supporting calls for the amendment of the constitution by expanding the executive and relooking at our governance structure with a view to accommodating everyone. In this way, the violence experienced after every general election can finally be a thing of the past, because the majority of those negatively affected by the violence are workers, women and children.

79 The constitution is part of a wider national enterprise of national integration, social justice, inclusion, and sustainability. It is rich in content, inspiring in vision, empowering of people and of lawyers, showing the way to its own development, and calling for the cultivation of values of constitutionalism and the rule of law.

b) The Law Society of Kenya and the Building Bridges Initiative

In 2021, the Law Society of Kenya (LSK) rejected the Constitution of Kenya Amendment Bill 2020 and urged Parliament to shoot it down in totality. Led by its President Nelson Havi, the LSK said the Bill was unconstitutional. President Havi said the Bill sought to overhaul the Constitution by changing the structure of governance through a process that is not inclusive or participatory.⁸⁰

In the run-up to the new constitutional reforms struggle which culminated in the promulgation of a new Constitution in 2010, the LSK played a leading role in generating ideas for constitutional reform and in preparing the first draft constitution that outlined the essential elements of reform, based on the centrality of citizenship. Together with the Kenya Human Rights Commission and the ICJ Kenya, the LSK guided the movement for reform. This movement generated and won support for ideas for reform as well as the highly participatory review process, and many years later became a beneficiary as chair of the Constitution of Kenya Review Commission (CKRC).⁸¹ The lineage of the new constitution can quite clearly be traced to these early initiatives of the LSK.

The LSK has played a leading role in upholding constitutionalism and challenging oppression and lawlessness. The LSK and its members have repeatedly been a key component of the forces of liberation in Kenya. In the 1970s, it fought to open the judiciary and the bar to all Kenyans. In the 1980s and 1990s, the LSK successfully fought for the registration of other political parties besides KANU. Countless times, the LSK and its members drew the line that first halted and then reversed the tides of repression under various regimes.⁸²

80 <https://www.the-star.co.ke/news/2021-03-11-lsk-rejects-bbi-urges-parliament-to-shoot-down-bill/>

81 YASH PAL GHAI JILL COTTRELL GHAI (Eds, 2014): *The Legal Profession and the New Constitutional Order in Kenya*

82 YASH PAL GHAI JILL COTTRELL GHAI (Eds, 2014): *The Legal Profession and the New Constitutional Order in Kenya*

Profiles of Selected Active Civil Society Organisations in Kenya

1. The International Commission of Jurists – Kenya Section (ICJ-K) (<https://icj-kenya.org/>): the ICJ Kenya is a member-based, non-governmental, non-partisan and not-for-profit organisation. It is an autonomous Kenyan Chapter (Section) of the International Commission of Jurists. It is the oldest human rights organisation in Kenya and was formally registered in 1974 under the Societies Act with a vision of being the leader in securing observance of the rule of law, human rights and democracy, for a just, free and equitable society.

2. The Central Organization of Trade Unions Kenya (COTU-K) (<https://cotu-kenya.org/>): the COTU-K is a national trade union centre in Kenya. It was founded in 1965 upon the dissolution of the Kenya Federation of Labour and the African Workers' Congress. It currently closely liaises with Non-Governmental Organizations of East Africa Trade Union (NGOEATU). It has a membership of over 40 organisations. Since its formation in 1965, the workers' umbrella body has endeavoured to create, develop and maintain a comprehensive social framework for championing the rights of workers and advocating for a humane and productive work environment. This has been achieved on many fronts including actively contributing to the relevant clauses on the Bill of Rights in Kenya's 2010 Constitution.

3. The Kenya Land Alliance (KLA) (<https://www.kenyalandalliance.or.ke/>): the KLA was formally a Trust and was registered as an NGO in July 2013. It was established to create an institutional mechanism to advocate for enabling land laws and policies in order to ensure secure and equitable access to land and natural resources in Kenya. Since its inception, the KLA has experienced remarkable growth. As a result of its activities, the KLA has found a niche in lobbying and advocacy for reforms of land laws and policies in Kenya. The KLA's participation in and contributions to the Presidential Commission of Inquiry into Land Law Systems in Kenya (Njonjo Commission), the Constitution of Kenya Review Commission, the Ndungu Commission, and the Committee of Experts were all highly acknowledged.

4. The Kenya Human Rights Commission (KHRC) (<https://www.khrc.or.ke/>): the KHRC is a non-governmental organisation founded in 1992 and registered in 1994. The Commission campaigns to create a culture in Kenya where human rights and democratic culture are entrenched. It does this through monitoring, documenting and publicising rights violations.

5. The Katiba Institute (KI) (<https://katibainstitute.org/>): the KI was set up to promote knowledge and understanding of Kenya's Constitution and constitutionalism, and to defend and facilitate implementation of the Constitution. Established in 2011, the KI works on many areas of the Constitution including issues of leadership and integrity, human rights, devolution, gender, electoral issues, as well as environment, land misappropriation, evictions of Indigenous people and other long-term settlers, and protection against illegality and harassment by the police.

6. The Law Society of Kenya (LSK) (<https://lsk.or.ke/>): the LSK is an organisation mandated to advise and assist members of the legal profession, the government, and the larger public in all matters relating to the administration of justice in Kenya. It was established by an Act of Parliament – The Law Society of Kenya Act. The LSK is expected to provide appropriate leadership on matters related to the rule of law, governance issues, legal education and training, while evolving and responding to the changing needs of society. The LSK has in the past used strategic litigation to clarify important points of law, challenge discriminatory practices and strengthen the protection of human rights.

7. The Economic and Social Rights Centre (Hakijamii) (<https://www.hakijamii.com/>): Hakijamii was formed in 2005 specifically to strengthen the capacity of the marginalised communities to define and claim their economic and social rights. It is registered under the Non-Governmental Organisations Coordination Act as an NGO. Hakijamii is a founding member of the International Network on Economic and Social Rights and has strong partnerships with several international organisations including Dignity International and the Centre on Housing Rights and Evictions (COHRE).

8. The Centre for Minority Rights and Development (CEMIRIDE) (<https://cemiride.org/>): the CEMIRIDE is an advocacy organisation devoted to strengthening the capacities of minority and indigenous communities in Kenya and East Africa to secure the respect, promotion and protection of their rights. Its vision is to create a society that recognises and respects minorities and Indigenous peoples' rights in all aspects of social, political and economic development processes. It was founded in 2000. It has proven its effectiveness and efficiency and has strong NGO networks across East Africa through which it receives regular updates regarding issues on the ground. These partners also become a mechanism through which national and global issues affecting minorities are disseminated to community levels by CEMIRIDE. CEMIRIDE has observer status with the African Commission on Human and Peoples' Rights and is an active member of various national, regional and international solidarity networks.

9. The Africa Centre for Open Governance (AfriCOG) (<https://africog.org/>): the AfriCOG is an independent, non-profit organisation. It provides cutting-edge research and monitoring on governance and public ethics issues in both the public and private sectors. The AfriCOG aims to address the structural causes of the crisis of governance in East Africa.

10. Kenyans for Peace With Truth and Justice (KPTJ) (<https://kptj.africog.org/who-is-kptj/>): KPTJ is a coalition of over 30 Kenyan and East African legal, human rights, and governance organisations, together with ordinary Kenyans and friends of Kenya, who convened in the immediate aftermath of 2007's presidential election debacle. KPTJ maintains that there can be no peace without truth and justice – truth and justice for the failed presidential election and the violence that followed. Justice requires that we face the truth of our history, and of the 2007 election, to address the deep chasms and inequalities in Kenyan society.

11. The Centre for Multiparty Democracy Kenya (CMD-Kenya) (<https://cmd-kenya.org/>): the CMD-Kenya is a political parties-based membership organisation established in March 2004. The mandate is to enhance multi-party democracy and strengthen the institutional capacity of political parties in Kenya through policy influence and capacity building.

The organisation provides a platform for political parties, political actors and policymakers to engage in dialogue and cooperate in strengthening multi-party democracy. The CMD-Kenya works closely with political parties, political actors, strategic partners and key stakeholders in promoting social justice, political governance best practices, respect for human rights and fundamental freedoms.

12. The Elections Observation Group (ELOG) (<https://elog.or.ke/index.php>): the ELOG was formally established in April 2010 after the conclusion and ratification of a Memorandum of Understanding by its founding members. The membership of the ELOG's Steering Committee has grown from an original five members to the present fifteen, comprising veteran election observation organisations in Kenya with expertise and experience in various aspects of the democratic processes in the country. They are:

- Catholic Justice and Peace Commission (CJPC)

- Centre for Governance and Development (CGD)

- Constitution and Reform Education Consortium (CRECO)

- Ecumenical Centre for Justice and Peace (ECJP)

- Federation of Women Lawyers (FIDA)

- Institute for Education in Democracy (IED)

- National Council of Churches of Kenya (NCCK)

- Supreme Council of Kenya Muslims (SUPKEM)

- United Disabled Persons of Kenya (UDPK)

- Youth Agenda (YAA)

An autonomous civil society is seen as a necessary bulwark against undemocratic state power, whether potential or actual. It is viewed as the cutting edge of the effort to build a viable democratic order on the continent.⁸³

Reference Cases on the Intimidation of Civil Society Organisations and Activists in Kenya

Kenya's government has failed to create a secure environment for human rights defenders and civil society activists to carry out their work. Incidents abound of activists receiving threatening messages warning them to withdraw from campaigns or legal cases. Some have been physically assaulted while others have been brutally assassinated. A worrying pattern of failure to thoroughly investigate these cases and bring the perpetrators to justice is exacerbating insecurity experienced by activists.

Wendy Wanja Mutega, a human rights lawyer and chair of the Law and Social Development Trust (LASODET) was confronted by unidentified individuals on 23 September 2014 and was warned to stop working with 3,000 members of the Atiriri Bururi ma Chuka Trust, a local environmental rights group.

Similarly, Emily Kwamboka, a grassroots activist from Mathare and founding member of the Sauti Yetu (Our Voice) Political Debates Programme, was threatened at gunpoint on 20 February 2014. As she moderated a public discussion on accountability, a representative of the county ward warned her that she would be killed if she continued with her human rights activities.

On 21 January 2014, four armed men attempted to break into the house of Amina Mohamed, a community/gender activist and member of Bunge La Wamama Mashinani (Grassroots Women's Parliament). She has also received threats to her life, stemming from her defence of a victim of sexual assault.⁸⁴

Human rights activist Peter Wanyonyi Wanyama was assassinated on 17 September 2013 outside his home in Bungoma, Western Kenya. Wanyama had represented victims of police brutality in a case in which police had shot dead a protester during demonstrations in March 2013.

83 Juma Anthony Okuku (2017): *Civil society and the democratisation processes in Kenya and Uganda: a comparative analysis of the contribution of the Church and NGOs*

84 CIVICUS, National Coalition of Human Rights Defenders and North Rift Human Rights Defenders Network Joint UPR Submission to the UN Universal Periodic Review, June 2014, P. 4

In August 2013, Hassan Guyo, a human rights activist and founder of Strategies for Northern Development (SND), was shot dead by security forces in North Eastern Kenya while he was carrying out investigations at the scene of demonstrations that had been violently repressed by security forces.⁸⁵ Other activists have been threatened and warned to stop taking on cases in which they defend victims of human rights violations. Those who are perceived to be witnesses in International Criminal Court (ICC) cases or human rights defenders advocating for justice in ICC cases have been particularly targeted over the last few years.

During the post-election crisis, Kenyans for Peace With Truth and Justice (KPTJ) generated vital professional analysis, backed up by verified data, of the electoral fraud and ensuing country-wide violence. KPTJ's reasoned position statements were used by the United Nations, the European Union, the United States State Department, the Senate, Congress, and the African Union to bring the Party of National Unity (PNU) to the negotiating table. KPTJ also mobilised progressives within Kenya, the Kenyan Diaspora, and the Pan-African movement to actively campaign for a just resolution to the crisis. KPTJ were actively involved in the monitoring, implementation and enforcement of the mediation agreement.

MEMBER ORGANISATIONS OF KPTJ

1. Africa Centre for Open Governance (AfriCOG)

2. Awaaz

3. Bunge la Mwananchi

4. Centre for the Development of Marginalised Communities (CEDMAC)

5. Centre for Law and Research International (CLARION)

6. Centre for Multiparty Democracy (CMD)

7. Centre for Rights, Education and Awareness for Women (CREAW)

85 "World Report 2014," Refworld, <http://www.refworld.org/docid/52dfddd043.html>

8. Coalition on Violence Against Women (COVAW)

9. The Cradle - The Children's Foundation

10. Constitution and Reform Education Consortium (CRECO)

11. East African Law Society (EALS)

12. Fahamu

13. Federation of Women Lawyers (FIDA-Kenya)

14. Foster National Cohesion (FONACON)

15. Gay and Lesbian Coalition of Kenya (GALCK)

16. Haki Focus

17. Hema la Katiba

18. Independent Medico-Legal Unit (IMLU)

19. Innovative Lawyering

20. Institute for Education in Democracy (IED)

21. International Commission of Jurists (ICJ-Kenya)

22. International Centre for Policy and Conflict (ICPC)

23. Kenya Human Rights Commission (KHRC)

24. Kenya Leadership Institute (KLI)

25. Kenya National Commission on Human Rights (KNCHR)

26. Kituo cha Sheria

27. Katiba Institute

28. Muslim Human Rights Forum

29. Mazingira Institute

30. The National Civil Society Congress

31. National Convention Executive Council (NCEC)

32. RECESSPA

33. Release Political Prisoners Trust (RPP)

34. Sankara Centre

35. Society for International Development (SID)

36. The 4 Cs

37. Urgent Action Fund (UAF) - Africa

38. Kenyan Asian Forum

POLITICAL PARTICIPATION IN KENYA'S POLITICAL PARTIES

Political participation is a function of open and expanded democratic spaces. Kenya's political sphere is dominated by ethnocentric gatekeeping, where ethnic groups are merely seen as voting blocks for political harvesting by leading politicians⁸⁶ through political parties.

Participation, in this context, is the way power and responsibility are shared among the state and the different social groups and classes in the process we call 'development.' Development, in this context, is qualitative and quantitative social transformation, in directions which participants consider favourable, brought about by internal and external forces.⁸⁷ For this transformation to happen there must be predefined social, economic, and political goals.

POLITICAL MOBILISATION BY KENYA'S POLITICAL PARTIES

Since the advent of multi-party democracy, political mobilisation in Kenya has remained ethnic-based and not ideologically driven. In fact, Mwathi Mati (2019) posits that instrumentalised ethnic identity has been a key variable in the mobilisation and moulding of Kenyan politics since Britain's colonial divide-and-rule policies imposed ethnic and racial dualism that emphasised difference. Upon gaining independence, the post-colonial elite did not dismantle the structural architecture of ethnic-based politics. Ethnic identity therefore remains the basis for the mobilisation and structuring of politics in contemporary Kenya.⁸⁸

Tribal arithmetic always seems to be at play in Kenyan elections. This heightened in 2002 during the Moi succession, where to defeat KANU's candidate Uhuru Kenyatta (a Kikuyu), it was deemed fitting to have Mwai Kibaki (a fellow Kikuyu) as an equaliser. In 2007, the tribal conspiracies of 42 tribes against one (Kikuyu led by now former President Mwai Kibaki) led

86 Bigambo Javas (2021) Cohesive Nationhood Survives on Responsible Free Speech. Published on February 21, 2021, by The Africa Centre for Ideas and Dialogue Program (ACIDP). <https://africacentreforideas.org/2021/02/21/cohesive-nationhood-survives-on-responsible-free-speech/> Accessed on 12th June 2021

87 Mallya T. Ernest. Civil Society Organisations, Incompetent Citizens, the State and Popular Participation in Tanzania. *Journal of African Elections* 10 (2009) 01, p. 102 – 122

88 Mati J.M. (2019) Ethnicity and Politics in Kenya. In: Ratuva S. (eds) *The Palgrave Handbook of Ethnicity*. Palgrave Macmillan, Singapore. https://doi.org/10.1007/978-981-13-0242-8_24-1

to the post-election violence that followed the disputed general election. In 2013, the Kikuyu-Kalenjin equation drove the Jubilee Coalition to power and the same formula facilitated its retention of power in 2017.⁸⁹

This depicts that ethnic political coalitions are easily the determinants of power play, not political ideology or related persuasions. This is true of ODM, Wiper Democratic Party, Ford Kenya, MDG, DP, New KANU, and a host of many other parties. Indeed, even the major parties owe their strength to the founder or party leader's area of origin.⁹⁰ As such, participation in Kenyan political parties is informed by tribal interests. Politics is local, and so ethnicity further localises politics. While political parties always develop party manifestos in the electioneering periods, the members and the electorate hardly scrutinise the specifics of those manifestos, and voters across the country hardly vote based on the assessment of the manifestos.

Political parties therefore ensure participation of community members in the areas of their strongholds by organising Constituency and County (sub-national) Branch Office activities to popularise party activities. These always take place in readiness for membership recruitment drives. This is fully in line with the people's political rights protected by the Constitution.

The express political rights⁹¹ in the Constitution include the following:

- Every citizen's right to form, or participate in forming, a political party;

- Every citizen's right to participate in the activities of, or recruit members for, a political party;

- Every citizen's right to campaign for a political party or cause;

- Every citizen's right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors for any elective public body or office established under the constitution;

89 Bigambo Javas (2020) *The Ethnic Factor in the Cog of Nationhood*. Published by the Africa Centre for Ideas on November 27, 2020 <http://www.africacentreforideas.org/policy/the-ethnic-factor-in-the-cog-of-nationhood/> Accessed on 12th June 2021

90 Ibid.

91 Article 38 of the Constitution of Kenya (2010)

- Every citizen's right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors for any office of any political party of which the citizen is a member;

- The right of every adult citizen, without unreasonable restrictions, to be registered as a voter;

- The right of every adult citizen, without unreasonable restrictions, to vote by secret ballot in any election or referendum;

- The right of every adult citizen, without unreasonable restrictions, to be a candidate for public office, or office within a political party of which the citizen is a member and, if elected, to hold office.

Additionally, political parties at constituency and sub-national levels (county levels) also ensure the participation of the people through campaigns for, and elections of, the party's officials. Political parties provide representatives in an election who are then democratically elected at national and county levels.⁹² Nonetheless, such elections are always organised on the whims of the leadership of the party, contrary to the regulatory frameworks and timelines provided for by the Constitutions of the respective parties. The party membership registration drive is another avenue through which political parties ensure the participation of the people. Political parties always reach out to and engage the public and their party members to encourage them to register as voters through voter registration drives. This mostly happens in the run-up to the general elections, even though the election laws provide that voter registration is a timeless and continuous process. Furthermore, Kenyan political parties have continued to increase the participation of their members through other structural platforms established through the parties' constitutions such as:

92 The Christian Democratic Party (Norway) 2018: A Guide to branch management for Political Parties in Kenya

- Party women leagues/groups.

- Party youth leagues/ groups.

- Party disability groups/caucuses.

Through these groups, political parties organise activities targeting the interests and priorities of these groups' members. Although Kenya has progressive constitutional obligations to protect and advance youth and women's participation, government bodies charged with ensuring full compliance, including the parliament and regulatory bodies, have failed to ensure that these obligations are fully met.⁹³

Political Party Membership

The Constitution⁹⁴ recognises the right to free, fair and regular elections based on universal suffrage. Individuals have a right to join and hold office in a political party as well as vying for elective public office on a political party ticket. Political party strength is determined by the size of its membership, and the number of its elected representatives. The subsistence of a political party in Kenya is dependent on its members, which is determined by the resources the party has to activate a membership recruitment drive, as well as the name recognition of the party's leadership.

The Political Parties Act 2011 places members at the core of Kenyan parties so as to allow them to play roles in the democratisation of society. The Act provides the institutional, legal and regulatory framework for registration, regulation and funding of political parties in Kenya. The Act is the primary legal reference for the management of political parties in accordance with Articles 91 and 92 of the Kenyan Constitution, which envisages well-governed political parties that respect internal democracy and their constitutional status in the Kenyan political system.⁹⁵ All members must be Kenyan citizens and registered voters. A person shall not be a member of more than one political party at the same time. The Registrar of Political Parties is the custodian of the political parties' membership database.

93 The Carter Center (2028): Youth and Women's Consultations on Political Participation in Kenya: Findings and Recommendations

94 Article 38 of the Constitution of Kenya (2010)

95 Independent Electoral and Boundaries Commission (Kenya) <https://www.iebc.or.ke/election/?parties>

Political Party Membership Recruitment Process

Branch offices are the basic units in political parties in Kenya and all members within a political party should belong to a branch. Membership is a requirement for party registration, the list of members is supposed to be continuously updated, and a copy of the records is submitted to the registrar of political parties. Therefore, members are central to any branch and it is important that political parties work to retain the membership they have and recruit new members.

Kenya's Constitution⁹⁶ outlines the basic requirements for political parties. It requires political parties to:

- Have a national character;

- Have a governing body elected on democratic principles;

- Promote and hold national unity;

- Abide by the democratic principles of good governance;

- Promote and practise democracy through regular, fair and free internal party elections;

- Respect the rights of all persons to participate in the political process, including minorities and marginalized groups;

- Respect and promote human rights and fundamental freedoms, and gender equality and equity;

- Promote the objects and principles of the Constitution and the rule of law;

- Subscribe to and observe the code of conduct for political parties.

96 Article 91 of the Constitution of Kenya (2010)

Political parties recruit members using Party Membership Verification Forms. The party constitution must spell out the membership recruitment requirements. The party must keep and continuously update a membership list. The recruitment process includes the following elements:

- Completed forms duly signed by every member of the party.

- The party must introduce membership cards of a specific standard.

- The party and the member must complete the member verification form.

- The party forwards details of the member through the Integrated Political Parties Management System (IPPMS).

- The Registrar verifies and validates the uploaded membership in the IPPMS.

- Once a person has been verified in the membership registers of a political party, the person becomes a member of that party.

It is an offence to register a person as a member of a political party without their consent. A political party must always keep updated and accurate party membership lists available for the members and the public at the party's head office and all party county offices.

Party identification is an affiliation with a political party. Party identification is typically determined by the political party that an individual most commonly supports (by voting or other means). In Kenya, party identification can increase or shift depending on events or conditions in the country.

Organisation and Party Structures

The way in which a political party is organised illustrates the level of internal democracy within the party and tells us how the party will go about implementing their core functions. Most political parties in Kenya have their organisational structures set out in their party's constitution. These documents also clarify the roles and responsibilities of party officials, elected officials and other party members. The branch and its members are the foundations of any political party.

National Level

a) National Delegates Conference: This is the highest decision-making body of the party. However, in Kenya it plays a limited role due to the huge attendance numbers and the cost of convening it. Party constitutions usually limit the congress to key decisions, such as approving amendments to the party constitution, deciding on party dissolution, approving the party's key policy documents, and electing certain candidates and party officials.

b) Party Executives: Since the convention only meets occasionally, the powers to make decisions in between congresses is delegated through the constitution to an executive organ. This body is usually called the National Governing Council. In addition to and below this body, there is generally the National Executive Committee (NEC), which administers party affairs in between National Governing Council meetings.

c) Party Secretariat: Many parties distinguish between administrative and political staff. The administrative staff are employees of the party and cannot seek political positions within the party structures if they serve the administrative wing. This is to ensure that there is an objective implementation of the political goals of the party.

d) Party Caucuses or Parliamentary Groups: Caucuses are composed of the elected representatives to the various legislative bodies of the country who are members of the party.

e) Women and Youth: Political parties in Kenya generally have their own women and youth leagues to promote the interests of these groups within the party.

f) Election and Dispute Resolution Boards: Parties also have special bodies responsible for the conduct of their elections and party nominations, listening to appeals and other internal party disputes. They are usually organs of the NEC, but good practice requires that their membership be distinct from the NEC.

County Level

a) Branches: The branches are the local geographic units of the political party organisation; they correspond with Kenyan counties. Branches are mandated with clear decision-making and deliberative responsibilities. Branches consist of sub-branches (ward-level) and polling station units.

b) County Delegates Conferences: These are the highest decision-making bodies of parties at county level. During these conferences, county-level delegates should develop and discuss party policy, receive reports on the work of the party in that county, elect county-level officials, and coordinate the work of the party within the county.

c) Branch-Level Committees: There are generally three levels of committee within party branches: the Branch Executive Committee (BEC), the Sub-Branch Executive Committee (SBEC) and the Polling Station Steering Committee. The BEC is the head of the branch, it answers to the NEC and cooperates with the national secretariat of the party.

d) County Assembly Groups: Political parties who have elected Members of the County Assembly (MCAs) should convene all their members within the county. The purpose of this group is to coordinate the party's work within the county assembly. These bodies are recognised in the Political Parties Act and are also known as caucuses.

Conducting Branch General Meetings (BGMs)

The purpose of conducting Branch General Meetings is to involve local members in the work of the political party. One of the reasons for such meetings may be to discuss decisions related to the party campaign, or to elect party representatives at branch level.

Active party membership in Kenya is very fluid. Many branches lose members as fast as they recruit them and parties are frequently faced with members who move to other parties. Furthermore, branch members are rarely active outside of election periods. Branches are therefore faced with the challenge of keeping members involved and active in the party, throughout the whole electoral cycle.

Why Members Do Not Participate

Members do not actively participate in parties for multiple reasons:

- There are no regular branch meetings and when they do happen they are for a select few.

- Members do little other than to listen to leaders talk.

- A small clique has all the power and does not encourage others to get involved.

- Members are not valued and are never thanked or praised for the work they do.

- Members feel useless or frustrated because their skills are not being utilised.

- The branch has no projects that members can be involved in.

- Members feel that they get nothing out of the branch.

People’s Perceptions of Political Parties in Kenya

Politics in Kenya is mainly ethnically driven. General public perception of each political party in Kenya is that it is supported and has a strong presence in the area of origin of the party’s founder. The Wiper Democratic Movement Party is popular among the Kamba community because its founder and party leader Kalonzo Musyoka is a Kamba. The Orange Democratic Movement is popular among the Luo community because its founder and party leader Raila Odinga is a Luo. FORD-Kenya is popular among the Bukusu sub-tribe of the Luhya community because its party leader is a Bukusu. KANU has a following in Baringo County because its party leader Gideon Moi comes from Baringo. The ANC party has a stronger presence in the western region of Kenya among the Luhya community because its party leader Musalia Mudavadi is a Luhya.

CIVIL SOCIETY AND DEMOCRATIC PARTICIPATION IN KENYA

CSOs in Kenya have continued to be enablers of public participation in the political and governance spaces.

Leaders of CSOs in Kenya are not elected. Leaders and staff of CSOs are competitively sourced and hired through open recruitment for vacant positions. Nonetheless, when CSO member organisations come together during the Annual General Meeting they elect the members’ representatives to the Board of Directors, or as prescribed by the governing instruments (generally the Constitution).

CSOs play and will continue to play a role that complements states and governments, including agenda setting. They occupy spaces that governments either cannot or will not fill and often produce social services that can support government work and services.⁹⁷ The number of CSOs has rapidly increased in areas underserved by governments, such as poor urban neighbourhoods.

97 Maingi Maureen (2016). Role and Impact of Civil Society on Kenya’s Development Agenda. Unpublished MA Thesis

CSOs in Kenya can be grouped based on their thematic areas of operation:

- governance and law

- health

- human rights

- land

- research and public policy

- disability rights

- slum upgrading and development

- mental health

The Ministry of Devolution and Planning is the ministry in charge of CSO activity in the country. The NGO Board and the NGO Co-ordination Board report to the cabinet secretary who heads the ministry. The ministry ensures timely distribution of funds to the NGO Board, provides support in the enactment of relevant policies and legislation, and provide proper communication on policy issues from the national government. Working as a representative of the government, the NGO Co-ordination Board is responsible for coordinating activities, regulating and enabling the CSO sector.

Civil Society Organisations in Kenya play the significant role of a watchdog for society. They monitor the governance system to prevent government excesses such as authoritarianism, dictatorship, corruption, and embezzlement of public resources. Civil Society in Kenya played a huge role in agitating for the return of multi-party democracy. It was unequivocal in fighting the dictatorship under former President Moi and his political party KANU. Many of its members faced harassment, torture, unlawful detention, and some even lost their lives in the process.

Over the years, CSOs in Kenya have been credited for various progressive engagements which include:

a) Building state capability

- Participatory policy and budget formulation

- Delivering basic services

- Providing training to public service providers such as health workers

- Delivering civic education and raising citizens' awareness about national policies, and their rights and responsibilities (e.g., voting rights, democratic freedoms)

- Safety, security and access to justice: CSOs can raise citizens' awareness about rights and services so that official security and justice institutions are more accessible and effective

b) Building state accountability

- Influencing standard setting (e.g., lobbying for legislation on transparency, adherence to international commitments on human rights)

- Carrying out investigation (e.g., monitoring and evaluating government programmes through social audits, citizen report cards or participatory expenditure tracking systems)

- Demanding answers from the state (e.g., questioning state institutions about progress, parliamentary public hearings)

- Applying sanctions where the state is found to be lacking (e.g., protests, boycotts, strikes or negative publicity)

- Observance of human rights, transparency, accountability, justice and equality, apolitical non-partisanship and anti-corruption initiatives

- Public participation in decision making

- Promotion of cultural integrity, social cohesion, environmental and economic sustainability

- Access to information and participation in local communities

CSOs remain active entities in pre-election, election and post-election engagements in Kenya. For example, the Election Observation Group (ELOG) is a national platform, which comprises CSOs with the mandate of strengthening democracy in Kenya and the African Region through promoting inclusive, transparent and accountable electoral processes. As a result of this, the ELOG takes on an Electoral Cycle Approach (ECA) in its interventions. It facilitates public engagement and conversations on election integrity matters. Additionally, The Institute for Social Accountability (TISA) is a civil society initiative committed to the achievement of sound policy and good governance in local development in Kenya.

Other CSOs are membership organisations, whose membership constitute organisations which are smaller in size and capacity. These include:

- the Kenya Land Alliance, which has 45 member organisations

- the Election Observation Group (ELOG), which has 15 members

- the Civil Society Organisation Network for Western and Nyanza Province (CSO Network) draws its membership from Non-Governmental Organisations (NGOs), Community-Based Organisations (CBOs), Faith-Based Organisations (FBOs), and other Non-State Actors in Western Kenya and has 19 members

- the Arid Lands Information Network - Eastern Africa, which has 15 members

- the Association of Local Government Authorities of Kenya (ALGAK)

- the Western Kenya Information Technology Society

- the Kenya Legal & Ethical Issues Network (KELIN)

- Muungano wa Wanavijiji

- the Nairobi Peoples Settlement Network (NPSN)

- the Water and Livelihoods Network

- the Kenya Hospice and Palliative Care Association (KEHPCA)

- the Edmund Rice Advocacy Network

- the Action on Sustainable Development Goals Kenya Coalition

- the African Women’s Development and Communication Network (FEMNET)

- the Civil Society Reference Group (CSRG)

Other CSOs are instrumental in supporting the government in accountable, transparent and open governance. The Westminster Foundation for Democracy (WFD), for instance, works with CSOs and the Parliament of Kenya to promote and strengthen transparency, accountability, and openness. The programme works with parliamentarians drawn from the bicameral oversight and sectoral committee members; parliamentary caucuses; the Kenya chapter of the African Parliamentary Network Against Corruption (APNAC); parliamentary staff who are critical for the institutionalisation of systemic changes; civil society actors who are critical in promoting civic engagement, parliamentary monitoring, anti-corruption and leadership integrity; and non-parliamentary public oversight institutions such as the Ethics and Anti-Corruption Commission and the Office of the Director of Public Prosecution.

Kenyan CSOs’ role in the promotion of public participation in governance has always led to convergence with political parties, especially those in the opposition. In the recent past, CSOs such as the AfriCOG, the Kenya Human Rights Commission, and the Katiba Institute have had closer working relationships with political parties that have been in the opposition such as the ODM, the FORD Kenya and the NARC Kenya to aggressively pursue and hold the government to high standards of accountability, transparency and the rule of law. Given the vigilance and agitation of CSOs, it is always easy for CSOs to work in harmony with those political parties that are constantly scrutinising the government’s performance and making every effort to hold the government of the day to account. However, there are no formal partnership agreements of collaboration between CSOs and political parties.

CSOs' confluence with political parties is amorphous and issue-based. CSOs also have a high regard for opposition political parties who challenge the government to service delivery and good governance. Regardless of this, just as many citizens perceive political parties, CSOs also view political parties only as vessels through which politicians want to access and retain political power, driven by personal or narrow interests, having little to do with real public interest. Perhaps this explains why there are scarcely any joint activities organised by CSOs in conjunction with political parties.

Other international CSOs operating in Kenya have political affiliations with political parties in their parent countries. For example, the Konrad-Adenauer-Stiftung (KAS) is a political foundation operating in Kenya (it works closely with other CSOs on the political and governance front), closely associated with the Christian Democratic Union of Germany (CDU) party. The top priority of the KAS in Kenya is the promotion and consolidation of democracy.

The implementation of the Constitution of Kenya is crucial for the political development and the stabilisation of democracy. Nationally, the KAS is working with political and economic actors such as the National Chamber of Commerce, the Kenyan Land Alliance and political parties representing the democratic centre, dealing with questions of economic development and the implementation process of devolution. At sub-national/county level, the KAS works with members of the county assemblies, civil society and non-governmental organisation representatives on the same topics.

SUPPORT AND FINANCING OF CIVIL SOCIETY ORGANISATIONS IN KENYA

Currently, CSOs in Kenya mostly depend on donor funding. Such funding comes from various donor agencies and charitable organisations, among others. For instance, the United Nations Development Programme supports the country's efforts towards achieving the political pillar of Vision 2030, which envisions a democratic system that is issue-based, people-centred, results-oriented and accountable to the public. The UNDP's Amkeni Wakenya initiative has provided support to over 400 CSOs across Kenya in the form of grants, capacity building, and learning and knowledge management. Targeted organisations include small grassroots-based CSOs as well as medium-sized and bigger national CSOs/NGOs.

Through various programmes, the UNDP supports the programmes of various CSOs in Kenya. Other donor agencies include the United States Agency for International Development. Major donor partners include the European Union, the Ford Foundation, the Swedish International Development Cooperation Agency, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the Norwegian Agency for Development Cooperation, and UK Aid Direct.

Other CSOs are self-financing with income from membership fees as their biggest source of funding. Professional associations and unions depend on domestic funding. These include trade unions such as COTU-Kenya.

Sufficient funding for programmes enables CSOs to fully operationalise their programmes and impact thematically and throughout the country.

Case Study of **Bolivia**



Contribution by:
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INTRODUCTION

The very name of the country expresses that the classic distinction between state and (civil) society is not possible in the case of Bolivia. Officially, the country has been called “Plurinational State of Bolivia” (Estado Plurinacional de Bolivia) since the approval of the new constitution in 2009. This indicates that community structures exist within the state that are part of a great diversity of peoples and cultures. For the first time, the 1952 revolution explicitly recognised the country’s diverse groupings as part of the „nation“, stressing the importance of mestizaje (mixing of different ethnic groups). However, the 2009 constitution removed this harmonising image and replaced it with a recognition of the „plurinational“ character of the state. As events since then have shown, this has not helped to resolve the political and social conflicts in the country.

The enshrinement of the „plurinational“ character of the state and society increased the complexity of the political process and governance. In turn, conflicts have repeatedly erupted between diverse groups. This has to do with the fact that there is not only a broadly diverse civil society and ideological-political pluralism represented by different parties, but also a wide range of authority structures corresponding to community cultures. These structures, which are not part of the Bolivian state, are the main places for the political life of a large part of the members of the communities and cultures (Tapia 2009).

With regard to the country’s political process, this means on the one hand that political decisions are not made exclusively by the institutions of the state, but by bodies that are not subject to control through the usual procedures of representative democracy. The competence of the national parliament as the representative body of the entire people of the state is also impaired as a result. On the other hand, this repeatedly leads to fierce conflicts when specific groups want to assert their interests or prevent others from doing so. Because of the great and growing importance of civil society, it is not so much the parties that are at the centre of such conflicts today, but rather the various organisations representing the different groupings of civil society.

Three groups in particular – the trade unionists, the peasants and indigenous peoples, and the regional citizens’ committees – have driven the process of social mobilisation and increasing demands for participation since the new democratic beginning in 1982/85. This high degree of polarisation contributed to a threat to democracy at the moment when President Evo Morales, with the support of an important section of the social movements, changed the democratic rules numerous times in order to eternalise himself in power. This was most recently the case with the conflict of 2019/20, when Evo Morales’ attempt to be elected president for a fourth term ended with his abdication and an interregnum of President Jeanine Áñez in 2020. Even after the election of President Luis Arce, this conflict continues almost unabated.

PARTIES AND POLITICAL DEVELOPMENT IN BOLIVIA

Bolivia has experienced some dramatic political developments in recent years, reminiscent of earlier periods of political instability. Until the mid-1980s, it was considered one of the most politically unstable countries in Latin America, long marked by the highest number of military coups on the subcontinent. The revolution of 1952 had replaced the traditional power elite and the various indigenous groups – which together made up the majority of the country’s population – were formally given political participation rights with the introduction of universal suffrage. However, political power remained in the hands of the revolutionary elite from the urban mestizo middle classes, who controlled and manipulated the elections, suppressed political pluralism and introduced a centralised and state-controlled economic order. Nevertheless, one has to acknowledge that the Movimiento Nacionalista Revolucionario (MNR) government, in spite of its repressive actions, introduced essential measures in order to modernise the country. Aside from universal suffrage, agrarian reform is the most relevant of these modernising policies (Malloy 1970). The main source of income, however, remained the extraction and export of raw materials, even if the composition changed. When the military took power in a coup in 1964, a prolonged period of political instability began, marked by several military coups and alternations between military governments and weak civilian governments. Only after the general elections of 1985 did a multi-party system develop in which moderate parties predominated and coalition governments were formed not only across party lines but also ideological lines. This period has therefore been described as “agreed democracy” (“democracia pactada”).

During this stage of development, which lasted until the early 2000s, the indigenous movement also gained importance as a political force for the first time, although only for a short time. The most important grouping was the katarismo movement. Its origins lie in the rural regions of the highlands and go back to the pre-revolutionary period. But it was only during the years of political stability and modernisation that katarismo was able to establish itself as an independent political force. The movement itself was and is divided into two currents that have different views on the problems of indigenous people in Bolivia. For the Movimiento Revolucionario Túpac Katari (MRTK) racism within society is the central issue. However, the Movimiento Revolucionario Túpac Katari de Liberación (MRTK-L), which split off from the MRTK, emphasises not only cultural differences but also the socio-economic problems of the country and inequalities caused by them. The increased importance of katarismo was demonstrated by the fact that Víctor Hugo Cárdenas of MRTK-L held the office of vice-president from 1993 to 1997 during Sánchez de Lozada's first presidency. After the resignation of President Morales in 2019, he was Minister of Education for a few months in 2020 in the transitional government of President Jeanine Áñez.

In the years before the turn of the century, Bolivian democracy also succeeded in building trustworthy institutions probably for the first time in its history. Moreover, for the first time, elections were now not only largely free but also fair – their quality, transparency and efficiency improved significantly (PNUD-ODEA 2010: 65). This was accompanied by the gradual development of a party system with an orderly course of competition between the parties and, above all, the aforementioned ability to form coalitions between the „mainstream parties“, which represented a broad spectrum between „left“ and „right“.

The economic model of those years was in line with the general development in Latin America, often referred to as „neo-liberalism“, characterised by a reduction of the role of the state and the introduction of market-based institutions and processes. In Bolivia, above all this meant the privatisation of the state mining sector from 1985 onwards, by far the most important area of the country's economy. The distrust of the central state also led to decentralisation, which resulted in an expansion of the competencies of the nine departments into which the country is divided, and of the municipalities. This also meant a break with one of the most important development trends of the 1952 revolution, which had promoted centralisation. Among other things, decentralisation promoted the creation of regional and local parties, which often emerged from local or regional social movements and later, during the presidency of Evo Morales, suddenly gained great importance. After municipalities received funding and new powers, and local authorities were elected in general elections, successful mayors in large cities were catapulted into national competition or to the top of national parties and

movements. It should be noted that many of the local parties and their leaders based their authority and popularity on their affiliation to local communities, which formed the essential part of organised civil society.

Last but not least, the Movimiento Al Socialismo (MAS) party emerged as one of these regional parties that went back to a social movement, namely that of coca leaf growers and peasants of the department of Cochabamba, a region in the centre of the country. Founded in 1987, MAS won local elections in the rural areas of Cochabamba from 1995 onwards and then national mandates in individual constituencies from 1997 onwards. Its leader Evo Morales became a member of the national parliament for the first time in 1993. The MAS is the most successful party in Bolivia's history, competing only with the MNR.

The strengthening of the indigenous movement in the new phase of democratic development from 1995 onwards led to the abandonment of the image of a homogeneous mestizo nation promoted by the revolution in 1952 and the recognition of the country's „multicultural“ character in 1992, on the occasion of the 500th anniversary of Columbus' arrival in America. The image of the homogeneous nation had never corresponded to social reality. This change of perspective resulted in the recognition of cultural differences, for example in the education system, and the designation of indigenous territories. This strengthened and promoted a process of self-assertion of the peasant and indigenous movement. In various stages up to the constitutional reform of 2009, this resulted in a continuous expansion of the rights of indigenous communities, but was also accompanied by numerous conflicts.

The most important parties that provided the presidents from 1985 to 2003 and formed coalition governments in different constellations were:

- the Movimiento Nacionalista Revolucionario (MNR) party, the leading party of the 1952 revolution, which in the meantime, however, represented a liberal-conservative programme;

- the Movimiento de Izquierda Revolucionario (MIR) party, which can be described as a moderate socialist or social-democratic party;

- the conservative Acción Democrática Nacionalista (ADN).

All three parties that dominated the political process in Bolivia for decades have either disappeared or become completely irrelevant today. After securing a relatively long period of political stability and understanding for the country from the mid-1980s onwards, they became victims of the profound upheavals from the turn of the millennium onwards. Even one of their last joint projects – the passing of a party law in 1999 which was intended to strengthen the parties and the party system – could not prevent this. Among other things, the law provided for public subsidies for parties to ensure their regular existence beyond the election period and to prevent their financing through illegal or improper means. In addition, there were efforts in those years to improve the representativeness of the system, strengthen the links between candidates and voters, improve the image of parliament, and introduce a quota for women which increased the proportion of female MPs in the Chamber of Deputies to more than 40%. The continuity of the elections, which for the first time was not interrupted by military coups, allowed party cadres to pursue a political career with gradual advancement to lists to be elected to parliament. In the direct constituencies, elected parliamentarians gained a degree of autonomy from the national party leaderships.

However, „agreed democracy“ also disappointed large sections of the electorate, who saw the coalitions between the main parties as a betrayal of ideological positions and therefore stayed away from the ballot box. Voter turnout declined. This was also attributed to the fact that the liberal economic system was very slow in reducing poverty despite continuous growth. Above all, the large number of those who did not manage to integrate into the modern economic circuits or find accommodation in public and state institutions increasingly refused to participate in elections and turned to new parties that gave a voice to the discontent of the disenchanted. Initially, these were mainly the two parties that could be described as populist – Conciencia de Patria (CONDEPA) and Unidad Cívica Solidaridad (UCS) – and later, Evo Morales' MAS, which was able to multiply its share of the vote within a few years. In the 1997 parliamentary elections, MAS (as part of Izquierda Unida) received less than 5% of the vote. In 2002 it reached 20% and then an absolute majority in 2005, 2009, 2014 and 2020.

THE COLLAPSE OF THE MODERATE PARTY SYSTEM AND THE EMERGENCE OF A DOMINANT PARTY

Around the turn of the century, protests against the inadequate performance of the economic system began to grow. Overall growth was too low for a sustainable reduction of poverty. The free-market system represented by the MNR, MIR and ADN parties increasingly lost legitimacy. Privatisation failed because it paid far too little attention to the social reality in the country. There were increasing conflicts, which became more violent and were also more and more directed at the existing economic order, whereby not only the criticism of the economic system, but also of the model of agreed democracy and the parties that represented it, came into the focus of the opposition groups. The protests against the privatisation of the water utilities in El Alto near La Paz and in Cochabamba became emblematic. Here, and gradually in other places, social movements cornered the state for the first time since the liberal turn.

The presidential elections of 2002 were dominated by these conflicts. For the first time, Evo Morales ran as the representative of a sustainable change in the political, social and economic order. Although Gonzalo Sánchez de Lozada (MNR) once again succeeded in organising a parliamentary majority, albeit fragile, for his election by Congress, the increasing social and political conflicts forced him to resign as early as 2003. His two successors failed to control the political process. In 2005, early presidential elections were held, which Evo Morales won with an absolute majority in the first round. His MAS party also achieved an absolute majority in both chambers of parliament. For the first time since the return to democracy in 1985, a government could thus rely solely on its own party and was not dependent on compromises with others. President Evo Morales immediately began to transform the country, with the indigenous organisations – upon which he and his party relied – having a major influence on this process of change.

Domestically, the most important reform measures were the strengthening of the state, which was to take an active role in economic policy again. Therefore, the government created new public enterprises and nationalised the mining, telecommunications and electricity companies. At the same time, the room for manoeuvre of foreign investors was restricted. Socially, the politicisation of ethnic (especially indigenous) identities was intensified. Because decentralisation could only have been reversed at great political cost, it was formally retained, but the influence of the central state and its government on the departments was expanded again. In foreign policy, Morales made a clear change by freezing contact with the USA and instead forging close ties with the Cuban regime and Venezuelan President Hugo Chavez

and joining the Alianza Bolivariana para los Pueblos de Nuestra América (ALBA). Ideologically, Morales was close to the „21st century socialism“ that Chavez had coined for his economic and social model, but in his economic policies Morales was more pragmatic and responsible than his colleague from Venezuela. The new Bolivian order followed the ideas of the local indigenous movements.

The centrepiece of the new government became the drafting and adoption of a new constitution, which took up many of the political goals of the indigenous movement. In addition, the ban on immediate re-election of a president, which had been practised for decades, was abolished, so that Morales could stand for direct re-election in 2009. He also won this election in the first round with an absolute majority. However, the omens of the election victory had changed. While in 2005 he was carried into the presidency on the wave of violent social protests, his success in 2009 was due to the extraordinarily favourable economic development. Bolivia benefited from the boom in international commodity prices - and the Bolivian state earned even more because of the nationalisations. The high revenues not only allowed the government to invest in expanding infrastructure, from which the construction industry in particular benefited, but also to introduce previously unknown social benefits and payments to disadvantaged groups such as children in public schools, pregnant women or even pensioners. In addition, the strengthening of ethnic / indigenous identities promoted a high degree of identification of important social movements not only with Morales, but also with his party MAS. Their alliance with rural movements has led to many of their representatives running for election on MAS lists or occupying public office. Morales and the MAS formed similar alliances with other organised social movements such as the miners' cooperatives, the transport entrepreneurs and small business owners. In the 2009 parliamentary elections, this led not only to a generational change, but to a change in the political elite as a whole. Never before had the proportion of parliamentarians holding a mandate for the first time been so high. In addition, many MPs were still very young and in some cases had not completed their education.

Social mobilisations had clearly decreased in the first years of Morales' government and, above all, were no longer as confrontational as they had been before 2005. Now, the focus was less on protests against the existing social system and more on demands for higher wages or other social benefits. The government or the nationalised companies were able to satisfy such demands, at least in part, given the flow of revenue. The opposition parties did not play a role, given the power and popularity of President Morales. Many parties split, some of their better-known representatives founded new organisations or joined other parties. But overall, the opposition created the image of a conceptless accumulation of initiatives with limited reach.

The ruling party MAS, on the other hand, maintained its cohesion and strength, under the powerful leadership of Morales. The opposition parties were weakened also by the cut in state party funding, which has never been popular. This presented many parties with considerable difficulties. In addition, the „monopoly“ of parties in representing social interests at political level was broken by the Law of Civic Groups and Indigenous Peoples („Ley de Agrupaciones Ciudadanas y Pueblos Indígenas“) passed in 2004. The law encouraged the proliferation of local and regional parties, which now dominated local and regional elections. Whereas in the 1999 local elections a total of only 20 parties had participated, in the 2004 local elections more than 900 civic associations and indigenous peoples contested, most of them in only one municipality. Overall, they won a share of 30.5% and received about one-fifth of all mandates. In the following elections, only about half as many organisations stood for election.

Due to this proliferation of associations, many candidates stood for election who had no political experience, although they did not have to face an internal party selection process, for instance in the form of internal party candidate elections (Romero Ballivián: 314). Much more serious, however, was the fact that no other party apart from the MAS could run for the post of governor of a department or mayoral office with any chance of success. The fragmentation in the municipalities meant that the connection between the local and the national level was lost in many places, because many local candidates and office holders did not have a network of relationships that extended beyond their own municipality.

Given the fragmentation of the party system and weak local organisations, the MAS became the dominant national party. Only in the eastern departments of Pando, Beni, Santa Cruz and southern Tarija, which traditionally played an opposition role to national governments, did some organised resistance to MAS dominance persist. In Santa Cruz and Tarija, the MAS never won the regional elections.

Against this background, Morales stood for election again in 2014. Before that, however, he had to have the right to stand for re-election confirmed by the Constitutional Court - whose composition he had played a major role in determining. The 2009 constitution established that magistrates should be popularly elected, but candidates were elected by two thirds of the parliamentarians, a figure that MAS controlled. So, all the candidates who went to the polls were, in some way, pro-government, as demonstrated in all their rulings. The constitution, drafted under his own supervision, only provided for one-time re-election. With the legal trick that the 2014 candidacy would be his first re-election under the new constitution, the judges gave him the green light to run. Morales again won this election with an absolute majority and likewise the MAS again received an absolute majority of parliamentary seats.

The opposition remained fragmented. Those civic parties and groupings that distanced themselves from MAS or even wanted to form an opposition to the ruling party were fragile in their structures and poorly articulated. Even if some had some importance at regional level and had a strong regional leader, they remained weak at national level.

Morales certainly enjoyed a high level of popularity until the 2014 elections. Nevertheless, there were growing and legitimate doubts not only about the equality of the elections, but also about the willingness of the president and his party to preserve the rules of representative democracy. Press freedom and free media were gradually curtailed by intimidation and self-censorship by media owners and journalists (Peñaranda 2014; Molina 2015: 63-72), opposition politicians were subjected to lawsuits and many left the country. In 2010, the government passed a controversial law under which public officials can be temporarily suspended if the prosecution starts a case against them. This opened up additional opportunities for the government to put pressure on disagreeable politicians and officials.

MAS was not interested in building a pluralist party system or in exchanges with other parties. Instead, the party preferred to maintain its good relationship with social movements that were close to it. In 2009 and 2014, numerous representatives of such movements were elected to parliament as MAS candidates.

CONFLICT OVER A NEW PRESIDENTIAL CANDIDACY AND THE ABDICATION OF EVO MORALES

In view of his great popularity and fresh electoral victory, Morales began planning soon after the election to run for president again in the elections due in 2019. However, because the 2004 constitution only provided for two terms in office, he organised a referendum in February 2016 in which the citizens were asked to agree to a repeal of the corresponding constitutional article in order to allow him to run for another term. A narrow majority of citizens refused to give their consent. Morales then petitioned the Constitutional Court in 2017 to repeal the constitutional article that banned re-election on the grounds that the American Convention on Human Rights would classify term limits as a human rights violation. But this was denied by the Inter-American Court of Human Rights in 2018. Nevertheless, Bolivia's Constitutional Court again ruled Morales had the right to run for a fourth term in 2019. The country's highest court thus suspended the constitution at the president's instigation and lifted term limits for all offices.

There were ongoing protests throughout the country by opposition parties and social organisations against these decisions by the president and the constitutional court, which were perceived as high-handed and arbitrary. Under the slogan „Bolivia Said No“ („Bolivia Dijo No“), opponents of Morales demanded recognition of the referendum result. Many rural and indigenous organisations even supported the protests. In many places there were violent clashes between opponents and supporters of the government.

Against this backdrop of a deeply divided society, Morales ran again for presidency on 20 October 2019. But already during the campaign it was foreseeable that this time he would by no means achieve such an easy victory as in the previous elections. His main challenger was Carlos Mesa, who had already been president for a short time (2003-05) and gained new popularity among the public when he began representing Bolivia at the International Court of Justice in The Hague in 2018 in the negotiations against Chile over direct access to the Pacific (The Hague ruled against Bolivia, but this did not affect any candidate, since all had supported the strategy designed by the Morales government). Mesa was supported by the Comunidad Ciudadana, an alliance of different parties and civic movements. On election night, while the vote count showed a clear lead for Morales, it was also apparent that he would not achieve an absolute majority of votes or have 40% and a lead of more than 10 percentage points over Mesa, ruling out a second round. Mesa proclaimed this as a success and began canvassing for support in a second round. The electoral authority interrupted the publication of the progress of the vote count and after another day announced an election result with a 10.1 percentage point lead of Morales over Mesa, so that no second round would take place. Mesa did not recognise this result and demanded the resignation of the members of the electoral tribunal, the calling of new elections, and induced his supporters to mobilise permanently against the alleged electoral fraud. After nearly three weeks of sustained protests, which they were unable to quell because the police and military refused to obey them, and not least after the commander-in-chief of the armed forces called on him to resign in order to restore peace and stability, President Evo Morales, his vice-president, other members of the government and MAS members of Parliament resigned from their posts and left the country. Election observers from the Organisation of American States and the European Union supported the accusation of falsifying the election results, but other institutions cast doubt on this. Morales raised the accusation from exile that he had been the victim of a coup d'état.

Morales was succeeded as interim president by Senator Jeanine Áñez, who belonged to the small liberal-conservative opposition party Movimiento Demócrata Social. She was not confirmed by parliament because MAS deputies boycotted the session, but the Constitutional Court confirmed her appointment. During her short tenure, she persecuted Morales'

supporters. International observers noted state-sponsored violence, restrictions on freedom of expression and arbitrary arrests that led to a climate of fear and disinformation in the country. Arrests and intimidation of journalists critical of the government, as well as support for paramilitaries targeting supporters of the previous ruling party MAS were also noted. Áñez did decide on a number of privatisations and tax reductions, but her change of course in economic policy remained largely without effect, not least because the country and its national economy suffered the consequences of the Coronavirus pandemic soon after the change of power. In Parliament, which had not been dissolved, Áñez was met with continued resistance from the MAS, which had a two-thirds majority there.

Social conflicts continued after the elections. Like the political sphere, civil society was deeply divided and polarised. Even human rights organisations were divided in their positions. Some supported the measures of the transitional government and did not denounce human rights violations, while others timidly spoke out against rights violations and abuses.

According to the constitution, new elections should have been held by March 2020 at the latest after Morales stepped down. However, new polls have been postponed several times by the independent Supreme Electoral Tribunal, citing the pandemic as the reason. If elections had been held immediately after the resignation of Morales, MAS probably would have lost them. The months of indecision and uncertainty helped MAS to recover, to reorganise its supporters and to present a new candidate. The Supreme Electoral Tribunal finally established 18 October as the date for the elections, a decision which was demanded by a massive strike lasting several days and ending after the mediation of the United Nations. Áñez first denied that she wanted to run for president, then announced her candidacy, and finally renounced to it when the polls showed that she was trailing the other candidates. The winner of the election with 55.1% of the votes in the first round was Luis Arce (MAS), former Minister of Economy in the Morales government and MAS candidate. He succeeded in calming the political situation somewhat. Jeanine Áñez was arrested in March 2021 and has been in pre-trial detention since then. In February 2022, a trial began against her, seven high-ranking military officers and a police commander for the alleged coup against Evo Morales in 2019 and other charges. The public dispute over whether or not the seizure of power at that time violated the constitution has not yet been settled in Bolivia.

After Luis Arce took office, Evo Morales returned to Bolivia from exile. However, his influence within the MAS has clearly declined. This was evident, for example, before the regional elections in some departments in March 2021, when Morales nominated and supported candidates

who were not nominated by MAS in the end. In any case, President Arce is trying to avoid the impression that the former president and party leader is influencing government affairs. The press is full of comments about a growing conflict between them.

MOVIMIENTO AL SOCIALISMO – MAS

The very name of MAS expresses that this organisation is more than a political party: “Movimiento al Socialismo – Instrumento Político por la Soberanía de los Pueblos (MAS-IPSP).” MAS is a kind of mouthpiece for various other organisations from the peasant and indigenous movement. Although it was founded as the party of the coca growers, its rise in importance is due to the fact that it was also chosen and accepted by other organisations as an instrument for representing their interests. When the peasants and indigenous people formed their own organisations and also the umbrella organisation Confederación Sindical Única de Trabajadores Campesinos de Bolivia (CSUTB), there had been temporary discussions to transform this „peasant union“ into a political party. But for various reasons (e.g., the ideological range of the affiliates) it was preferred not to expose the CSUTCB to political competition because that would have weakened the cohesion of the organisation. Instead, individual CSUTCB affiliates, as well as other groups from the indigenous community environment, sought a party that would take up and represent their concerns. The opportunity fell to MAS, which in the context of the mobilisations of the 1990s was seen more as a balanced political party and therefore offered the prerequisite to loyally represent the breadth of the indigenous movements. MAS is thus a product of organisational and mobilisation processes in this broad spectrum of non-state civil society organisations and communities. This was evident not least in the drawing up of the lists of candidates for MPs and representatives in the Constituent Assembly. In the process, MAS continues to form a fairly broad network of alliances with various core civil society groups, particularly in the area of workers and indigenous organisations. The political and electoral base of MAS is a network of alliances of communities that are firmly anchored in civil society.

It is true that other parties also tried to recruit candidates from local organisations, neighbourhood associations or other communities as part of the restoration of the party system and especially as a result of municipalisation, which significantly increased the number of elective offices. But none were as successful in this as MAS. This is because while in others the subordination of civil society representatives to the party's logic and leadership often entered into conflict and led to splits, the process of incorporation into MAS was reasonably silent. On the one hand, this is due to the authority of Evo Morales, who himself came from civil society and had gained recognition as the leader of a civil society organisation. On the other hand, the MAS „platform“ authentically represented the political demands of many indigenous organisations.

As long as he was at the head of the government and his party, Morales had great power within MAS. This is why there was no resistance to his interpretation of the constitution and the subsequent constitutional referendum, which enabled him to be re-elected twice and to run for office in 2019. Party members who did not follow Morales in everything were isolated and had no chance to run in national elections. Despite electoral successes from 2002 onwards, the party's organisation remained relatively weak. On the one hand, the entire party structure was geared towards Evo Morales. On the other hand, he knew how to take up the interests of the important indigenous organisations through informal procedures and voting processes, and he also made sure that as many representatives of such organisations as possible ran in elections or were provided with posts in public administration or state enterprises. Internal democratic procedures remained unknown to the MAS, as they were to most other parties in Bolivia.

In the phase in which it became a national party, gaining the majority of votes through the network of alliances, MAS made no effort to build a party structure that would have an intense internal political life or that would correspond to the degree of complexity that the new situation reached and, moreover, that would provide the space for a permanent dialogue with the movements. For a while at the beginning of his government, Evo Morales met daily early in the morning with the different social movements and held cabinet evaluation meetings, especially with the allied civil society organisations. However, despite this continuous connection and the strong identification of workers – especially peasants and indigenous people – with the president, it was not a social movement government. Nevertheless, MAS ensures that they participate in the state and state power.

THE WEAKNESS OF THE POLITICAL OPPOSITION

The political opposition of the parties in Bolivia is weakened and fragmented (Zegada Claire 2010). This is not least due to the fact that there is little experience of parliamentary opposition work in the country, which would have been carried out by the parties. Even during the fifteen years of democratic stability (1985-2000), the political and parliamentary opposition fulfilled the task of representing the citizens, channelling social demands and meeting the expectations of the electorate only to a very limited extent. There was no critical, constructive parliamentary opposition work that controlled the work of the executive. Rather, the opposition parties of the time were entangled in parliamentary management that was functional for the executive on the basis of „agreed democracy“. Otherwise, the government disqualified the opposition parties in order to secure their own power. This was another reason why the real opposition work took place in the streets, was represented by the social organisations and found expression in numerous conflicts and clashes between individual groups and the state forces of order.

During Evo Morales' time in government from 2005 onwards, nothing changed in principle. Due to the absolute majority of MAS in both chambers of parliament, the parliamentary opposition was marginalised. Protest was now articulated mainly by the regional citizens' committees because the indigenous peoples and to some extent the trade unions were now closer to the government. The mobilisations and conflicts since 2019 have also been significantly driven by civil society actors and groups.

BOLIVIAN CIVIL SOCIETY AND ITS ORGANISATIONS

The Central Obrera Boliviana (COB)

Today, Bolivian civil society is organised in an almost uncountable number of organisations and initiatives that articulate their interests at local, regional or national level, or pursue their own goals through various forms of self-administration, or provide services to various state authorities at different levels. As long as the peasants and indigenous people had no organisations that were permitted or recognised by the state – this applies to the period up to the 1960s –

the umbrella organisation of the trade unions – the Central Obrera Boliviana (COB) – and its regional and sectoral affiliates were the most important and, in many parts of the country, the only organisation that represented the demands and expectations of Bolivian civil society in the political arena. The COB was founded in 1952 as part of the revolution. Its strongest single federation is the Federación Sindical de Trabajadores Mineros de Bolivia (FSTMB). Since its founding in the mid-1940s, it has represented a decidedly left-wing programme, temporarily very much inspired by Trotskyism. Between 1964 and 1982, when the country was repeatedly ruled by military governments, the COB and most of its affiliates were largely banned. Through strikes and other forms of mass protests, often accompanied by violent clashes with the forces of law and order, the unions not only raised economic demands, but also advocated the introduction of a democracy – admittedly a democracy according to the ideas of their own organisation, which was not congruent with the concept of a representative democracy.

The neoliberal economic reforms and the privatisation of the state mines led to the dismissal of many mineworkers, which the COB or the FSTMB could not prevent. This and the simultaneous strengthening of the peasant and indigenous movement led to a relative loss of importance of these trade union federations, which, however, still have a large mobilisation capacity of their approximately 2 million members. The COB played a significant role in the overthrow of President Carlos Mesa in 2005. As a nucleus of civil society, it played an important role in the changes in the party system. The relationship with President Evo Morales was not free of tensions because, on the one hand, he did not meet the radical regulatory demands of the COB and the FSTMB and, on the other hand, he relied much more on the indigenous and peasant movement.

The Peasant and Indigenous Movements

Peasants and indigenous people make up about two-thirds of Bolivia's population. Their representative organisations therefore represent an important part of Bolivian civil society. Since the 19th century, the indigenous people have fought for their participation in politics in various ways. In the process, until the end of the 1960s, indigenous leaders repeatedly made pacts with the ruling groups to defend their land and also their culture. Without the massive participation of the indigenous people, various processes of change in the course of Bolivian history would not have taken place. This was particularly evident during the revolution of 1952 and then again almost three decades later during the restoration of democracy from 1979 onwards, when the Indígenas' street blockades contributed significantly to the end of the military regime of the time. Even though such forms of action are used again and again today, the indigenous movements have meanwhile essentially shifted the struggle for the representation

of their interests to parliaments and local governments. Their political importance was most recently demonstrated again in the 2020 elections, when they helped the MAS candidate Luis Arce into office, as they had repeatedly done before with Evo Morales.

The struggle for land rights was at least formally decided by the agrarian reforms of 1952, which expropriated the large landowners and restored traditional land rights to indigenous communities. However, the indigenous movements had placed themselves almost entirely in the hands of the state and the revolutionary party, the Movimiento Nacionalista Revolucionario (MNR). Both the MNR and the military government from 1964 onwards positioned the indigenous people against the country's second major social movement, the labour movement and its umbrella organisation COB. The peasants were misused as allies of the military and as the social base of the dictatorships. It was not until the 1970s that efforts to found independent indigenous organisations increased. The strengthening of the aforementioned Katarist movement, which was largely formed by representatives of the Aymara from the highlands, led to the founding of the CSUTCB in 1979, which established itself as the most important organisation of the Quechuas, Aymaras, Tupí Guaraníes and other peasants and joined the COB.

The introduction of a liberal economic model from 1985 onwards was also accompanied by an impoverishment of the peasants. Many dismissed miners migrated to the eastern parts of the country to settle there as coca growers, among other things. The conflicts between the state and the indigenous and worker associations continued, but they had lost some of their influence because, on the one hand, the massive layoffs weakened the cohesion of the labour movement and, on the other hand, stable coalitions of parties led the government on the state side for the first time in a long time. They adhered to the basic lines of the new economic model over several legislative periods and also had the loyalty of the police and the military, so that the social protests could not endanger the stability of the governments until the turn of the millennium.

A milestone in the changes in relations between the state and indigenous peoples during this period was the march of the indigenous peoples of the Amazon region of the country to La Paz in 1990, led by the Central Indígena del Oriente Boliviano (CIDOB). They demanded recognition of their territory, customs, traditions and, above all, collective ownership of the land. What was to become particularly important, however, was that the goal of their demands was redefined: it was no longer just about „land“ (tierra), but about „territory“, which also included economic, cultural and environmental aspects. This gave new meaning to the struggle for the autonomy of indigenous culture. The indigenous movement achieved some significant success in the following years.

One indication of the greater awareness of indigenous demands was the aforementioned election of Víctor Hugo Cárdenas, leader of one of the Katari parties, as vice-president (1993-1997). For the first time in the country's history, a representative of the Aymara group held one of the most important offices in the state. More importantly, however, the constitutional reform of 1994 recognised Bolivia as a multicultural and multilingual country. This had an immediate impact on the education reform law passed that same year, which recognised ethnic, linguistic and regional heterogeneity and determined, among other things, that education should be bilingual and intercultural. This success further strengthened the peasant and indigenous movement. Although they had lost the support of the state due to the liberal economic model, and they suffered significant economic losses due to environmental disasters or the parceling of cultivated land and other factors, their presence in Bolivian politics steadily increased. Their emergence as a movement, together with their ability to mobilise large masses, has contributed to this new role of indigenous people within the Bolivian state. For many years, this movement was personified by Evo Morales.

Morales had been a member of the national parliament since 1997. After he was deprived of his mandate in January 2002 on the initiative of the ruling parties, he ran in the presidential elections in July of that year. He achieved a respectable second place and made it to the runoff, that at that time was held by congress. This confirmed the political power of the peasant and indigenous movement, which had not yet fully tested it. With their protests organised jointly with the labour movement, they forced President Sánchez de Lozada to resign as early as October 2003. Almost two years later, Evo Morales won the presidential elections, with which the peasant and indigenous movement had finally demonstrated its political power. This was confirmed by the re-elections of Morales and most recently the election of Luis Arce, the MAS candidate in October 2021.

The Comités Cívicos

Besides the cultural diversity represented by the different indigenous groups, regional fragmentation is another characteristic of Bolivia. Since colonial times, the modern sector of Bolivia's economy and society had been limited to the mining regions in the Andean highlands and the later capital La Paz. As early as the second half of the 19th century, movements were therefore formed in the disadvantaged parts of the country in the east and south, which – led by local and regional elites – fought for more regional equality, the redistribution of resources as well as for the modernisation and, above all, the decentralisation of the state. Like the trade unions and peasants, the regional movements made demands of the state, albeit with different objectives. The regional movements also questioned the legitimacy of the state and the

government when it did not satisfy their demands. Because this was and is rarely the case, the regional movements also live in permanent conflict with the state. Only once in the country's history have the trade unions, indigenous peoples and regional movements succeeded in uniting in a kind of „coalition“. This was the achievement of the MNR before and during the first year of the revolution in 1952. At that time, the MNR saw Bolivian history as essentially characterised by the antinomy between “nation” and “anti-nation,” whereby „nation“ meant all oppressed classes and „anti-nation“ meant the ruling oligarchy of the time. As a means of overcoming the “anti-nation,” the MNR propagated a „national revolution“, the hallmark of which was not to be class antagonism but its anti-colonialist and anti-oligarchic character. By consciously neglecting class antagonisms, the MNR was able to appeal to a much broader spectrum of society than the other leftist parties. The support of the middle classes, including from the regional civic committees, and the workers and indigenous people allowed the MNR to carry out the „national revolution“ of 1952. However, this coalition broke up soon after because of the different expectations of its protagonists.

The citizens' committees play an important role in Bolivia's democratic life and they are a permanent part of the political conflict. Apart from the trade unions and indigenous peoples, they exert much more influence vis-à-vis local, regional and national governments than other civil society organisations that act as interest groups for specific issues. Citizens' committees are made up of representatives from a wide range of local associations. As a rule, they are dominated by local business associations. However, a number of other local civil society groups also belong to them. Different parties repeatedly try to exert influence on the citizens' committees. However, this regularly fails due to their resistance to party-political instrumentalisation.

In times of military government, the citizens' committees to a certain extent took the place of the banned political parties and trade union organisations. They played a decisive role in the struggle for projects to promote the economy in the regions and to improve people's living conditions. Their mobilisation capacity is usually high but varies by region. The most important citizens' committee is that of Santa Cruz de la Sierra, the second largest city in the country and the centre of the economy in the eastern part of the country, which in recent decades has gained in importance over traditional mining in the highlands. It is true that the *Participación Popular* (1994) and *Descentralización Administrativa* (1995) laws, which assigned new competencies to the municipalities and introduced the election of local authorities, fulfilled important demands of the citizens' movements with regard to decentralisation. However, apart from many „technical“ problems in the implementation of these laws, the transfer of competencies to the departments and municipalities does not go far enough for many citizens' committees – above all that of Santa Cruz.

The political importance of the citizens' committees is demonstrated by the fact that the leader of the Comité Pro Santa Cruz, Luis Camacho, became the leader of the protests against the re-election of Evo Morales in 2019 and temporarily appeared as a presidential candidate before the 2020 elections. Since the election of Luis Arce as the country's president, civil movements have been leading protests against the government due to the ongoing economic crisis.

OTHER CIVIL SOCIETY ORGANISATIONS

Given the importance and mobilisation capacity of trade unions, indigenous peoples and regional movements, other interest groups face the difficulty of engaging enough staff or supporters and making their voices heard. Organisations that advocate for human rights, transparent elections or good governance especially face limitations not only because their issues are already „occupied“ by those organisations, but also because repression against critical organisations increased during Evo Morales' rule. The criminalisation of protests, persecution of opponents, splitting of social organisations, pressure on civil society organisations (CSOs), harassment of taxation, monitoring of labour standards, buying up of media, withholding of official publicity in independent media and even surveillance of social networks increased during the Morales government. The government expanded its control over parliament, the judiciary and even the media, it lost legitimacy and fuelled extra-parliamentary protests. But at the same time, this limited the room for manoeuvre of independent civil society organisations, which often also submitted themselves to self-censorship in order to avoid repression.

The more important independent organisations include:

- CONADE: Comité Nacional de Defensa de la Democracia (National Committee for the Defence of Democracy) is an organisation that initially gained prominence with the electoral control during the elections of October 2019 and later became the main reference point for the national strike for the verification of Electoral Fraud in the presidential elections of that year.
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- APDHB: Asamblea Permanente de Derechos Humanos de Bolivia (Permanent Assembly of Human Rights in Bolivia) has been a reference institution for the defence of human rights since 1976. Currently, its president Amparo Carvajal is leading the denunciation of government abuses against former president Jeanine Áñez.
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- CONALCAM: Coordinadora Nacional por el Cambio (National Coordinating Committee for Change) is an organisation linked to the Movement Towards Socialism (Movimiento al Socialismo MAS), which brings together indigenous organisations that support the governing party.

- CIDOB: Confederación de Pueblos Indígenas de Bolivia (Confederation of Indigenous Peoples of Bolivia) is an organisation that brings together different indigenous populations of eastern Bolivia, is affiliated to the MAS and seeks to vindicate the indigenous rights of lowland populations.

- Fundación Construir: an organisation which values strengthening democracy, access to plural justice, and the protection of human rights.

- What they have in common is that their capacity to influence policy decisions is relatively small.

CONCLUSION

In Bolivia, there is a situation which is probably unique or at least very rare in international comparison, in which civil society organisations as a whole exert a much greater influence on political decisions than political parties. In doing so, they act outside the institutions of representative democracy. Needless to say, this marks the political process and democracy of the country in a lasting way. Apart from the military governments, which also failed to suppress all civil organisations, there was only one period in the country's recent political history when parties dominated the political process: those were the years of „agreed democracy“ from 1985 to 2003. With their mobilisation, civil society organisations brought about the end of this period. In the years following the national revolution of 1952 to 1964, the MNR initially had the support of civil society, but as its coalition with social groups broke down, so did the foundations of its rule. Evo Morales and the MAS, on the other hand, have been able to stay in office (now with President Luis Arce) because they rely on the support of the two most important groups – the trade unions and the indigenous peoples – and are recognised by them as „their“ government. There is no question of autonomy. Bolivian democracy is decisively shaped by this and its character as a liberal and representative democracy is threatened by it – if one wants to grant it this character at all.

General Remarks and Conclusions

Firm linkage structures between political parties and society at large sustain liberal democracy. In political theory, one of the main functions of parties is to build bridges between society and the state, and represent social interests vis-à-vis the state. In western democracies, parties have traditionally been organised upon social cleavages and represented certain social classes. Where parties have lost their link to society, a crisis of representativeness exists that at least strains, if not threatens, democracy.

Organisations and associations of civil society (CSOs) play an important role in the representation and articulation of social interests. Many of those organisations maintain close contact with political parties in order to motivate them to represent their concerns in the political arena. Previously, some CSOs, especially trade unions, were formally integrated into the structure of certain parties and thus exerted a great influence on them. However, even without such a formal connection, parties should take note of the requests of CSOs and consider them in their deliberations and decisions. This is a characteristic of and a prerequisite for the functioning of a representative democracy.

In many consolidated democracies, linkage structures between parties and CSOs have become weaker in recent decades, in some cases disappearing altogether. In many young democracies, such linkage structures have not yet developed, partly because the parties are not interested in them and do not make any efforts to build such linkage structures, but also because in many places there are only a few or weak CSOs which can claim to represent relevant social groups. It must also be noted that well-established CSOs with great political influence often do not pursue a specific political agenda but primarily represent their sectoral concerns. Influential CSOs are not advocates or defenders of democratic norms, procedures and institutions per se. This is illustrated by the case of peasant and indigenous organisations in Bolivia, which are firmly aligned with the now longstanding ruling party MAS. In favour of maintaining their privileged access to MAS and the government, these organisations are willing to accept MAS and government political practices that are at least questionable in terms of democratic norms and procedures. The situation is similar for CSOs in other countries. Trade unions, for example, which in many places not only represent sectoral interests

but also advocate for democratic freedoms, can – as can be seen with some trade unions in Cambodia for example – be used by the government and abandon their concerns regarding the respect of democratic norms in favour of benefits on other issues.

CSOs that specifically advocate political issues such as the defence of human rights, good and transparent governance, the fight against corruption, societal diversity and the values of democracy in general, usually do not have a special relationship and certainly not privileged access to parties compared to other social organisations. The examples in Cambodia, the Philippines, Benin, Kenya and Bolivia demonstrate this very clearly. In each of these countries, there are several CSOs that are explicitly committed to defending democracy, but it is very hard for them to reach out to a broader public or convince a government – and parties that form such governments – to respect and consider their requests. Many opposition parties do not often pay special attention to such CSOs, although it can be easier for them to pick up those requests. This can often then be used by governments as an opportunity to discredit the CSOs. Nevertheless, the countries analysed in this study have exemplified that governments sometimes do seek the advice of CSOs, even when it comes to politically-sensitive issues. In other cases, such as the implementation of policies in social, educational or other areas, or when it comes to the formulation of positions on climate and environmental policy, many governments rely on the support of CSOs and accept their experience and advice.

Whenever political developments lead to an increasing application of authoritarian practices and the decay of democracy, it is precisely those CSOs that stand up for democracy that are seriously hindered or even threatened. This internationally-observed tendency is not least evident in the countries researched in this study. In the Philippines, for instance, there have been increasing violations of human rights in the course of the so-called „anti-drug war“ during the election period, which has shaken the democratic foundations of the country. However, CSOs who criticise these practices of state power are hardly listened to by the authorities or the broader public. Additionally, CSOs in Cambodia, Benin, Kenya and Bolivia share similar experiences when they criticise state authorities or ruling parties through their advocacy activities.

Despite their limited overall impact, CSOs working to promote democracy provide an important complementary contribution to the enforcement and defence of democratic values and institutions and to the promotion of a democratic culture in their countries – especially when other institutions like the political parties do not perform this task. However, CSOs cannot replace parties, but can only have an impact if they find support for their concerns among relevant parties. Therefore, in principle, it is correct to support CSOs in establishing contact with

parties, although it will take time and continuous efforts to build trust with political parties and have a real impact on their behaviour and attitudes. However, one must also be aware of two elements that hinder the scope of influence of CSOs. Firstly, most of these organisations are composed of only a very small group of activists who can only fulfil a very limited workload. Secondly, as mentioned in the case study on Benin, but which also applies to many organisations: “In terms of internal governance, CSOs often sin more than the government they are supposed to oversee. Internal democracy is at half-mast. CSO appointments of organisation leaders do not follow their own rules and regulations. As a result, the life of the organisation corresponds to that of its president-founder, and the organisation usually disappears with their death or departure. Fortunately, some CSOs have been able to find a sustainable mechanism for the renewal of their governing bodies, by financially empowering the organisation.” Of course, this also limits the assertiveness of some organisations.

To effectively promote democracy, cooperation with parties is indispensable. For the time being, parties will not only remain the key institutions linking the state and society, but they will also continue to dominate elections and the selection of political personnel in government and parliaments. The future of democracy will largely depend on their behaviour. Therefore, cooperation with the parties is an indispensable part of democracy promotion – even if parties can be uncomfortable cooperation partners.

Recommendations for Cooperation with Political Parties and Civil Society Organisations

Political parties play a central role in any democratic system, and in many countries they are the main promoters of democracy. Hence the need for support of parties to exercise their role and functions in favour of strengthening democracy in individual countries. Because their role and relevance cannot be substituted by other organisations, there is no alternative to immediate cooperation with parties.

In any case, a prerequisite for cooperation must be a clear commitment of the parties and their leaders in favour of the values of a liberal, representative democracy. This commitment must be checked time and time again by donor agencies and cooperation programmes should take such evaluations into account.

Party assistance can only be effective if cooperation is accepted and supported by party leaders. The parties must therefore take ownership of individual projects. Leading members of individual parties should be involved in discussions about objectives, priorities and activities, not just to pursue their personal interests and those of the party, but also to gain a sense of what may help or what may harm their country's democracy. "Ownership" does not mean giving the parties a completely free hand over the assistance programmes, but to coordinate the latter with them. Even while a project is being implemented, achievements should be regularly evaluated with the party representatives. The participation of high-ranking party representatives in such arrangements would be an indication of how seriously a party takes the matter of cooperation.

Party assistance requires of the sponsor a basic understanding of the nature of the political system and political culture of a certain country, as well as an understanding of the nature of individual parties and the party system. It is also relevant to acquire knowledge of the driving forces and networks of relationships existing within and between the parties as well as about the links between parties and CSOs. Expert opinions or studies of the situation of a party or party system in a country can provide important clues and should therefore be encouraged in the context of cooperation. Given that in many countries there is no systematic and regular analysis of political parties and the party system, international cooperation can contribute to producing knowledge which will be especially useful for the parties and legislators on party affairs.

Cooperative approaches should focus primarily on those issues and measures that are most likely to have an impact in terms of promoting and stabilising democracy. On the one hand, this concerns various aspects of the organisation of parties and, on the other hand, the framework conditions that determine the actions of parties, i.e., party and electoral law. In the context of support for party organisations the topic of how to create and maintain strong links with CSOs should be an issue.

Although it may be desirable to address party leaders as main target groups for international cooperation activities, a realistic approach should concentrate more on targeting those party affiliates who are accessible and who may be considered “future leaders” at distinct levels of a party organisation. These are, in particular, young members, women and party members and office holders at the local (communal or municipal) level. Specific programmes for these groups should be designed and implemented which should provide them with knowledge about organisational and policy matters and thus prepare them to assume responsibilities as candidates for elections and leadership at distinct levels of the party hierarchy. Topics for such training are, for example:

- the characteristics and principles of democracy and political ideologies;

- organisation of meetings and campaigns, cooperation with CSOs, political negotiation and conflict resolution, communication and public relations, recruitment of new members, building intra-party associations for distinct social groups;

- planning and implementation of political projects (which could be an important area of activity, especially for young party members);

- policy issues according to local and national priorities (e.g., basic economics, social security, education, poverty alleviation, resource protection, climate change mitigation, etc.).

Providing training in these areas would offer a very relevant contribution to the political education of participants. Given the lack of political education in many countries, this would certainly have some influence on political parties.

Effective local branches are of great importance for parties because, at the local, municipal level, a unique opportunity exists for parties to confirm their capacity to implement public policies and to build links with local social organisations. Therefore, in addition to the training of women and young people, great attention should be paid to the education and training of local party representatives and office holders of local governments. Such training should be adjusted to local needs and be designed upon local requirements. Special didactic and training materials for local programmes should be developed. Regular town hall meetings, where representatives of parties, local CSOs and individual citizens can debate local affairs should be part of project activities at the local level. They would contribute to building links between parties and CSOs.

In addition to cooperating with individual parties or groups of parties, the structural factors that condition the development of parties must also be addressed, such as political party law, party financing, the organisation of parliamentary work, certain procedural questions when organising elections, or voting rights in general. Often overlooked is the influence that such institutional or procedural regulations have on the behaviour of individual parties and the development of a party system. Regulations that aim to observe democratic principles in the election of party leaders and the nomination of candidates, provisions which demand the integration of women into party leadership and candidate lists, or rules in favour of transparency in party and campaign financing can have a major influence on the behaviour of individual parties and the development of a party system.

Most of the political training and educational activities should be implemented with a multi-party approach, meaning that representatives of different political parties should be invited to participate. ENoP member institutions should be encouraged to cooperate closely with each other in the design and implementation of cooperative projects. Such a trans-national cooperative approach would not only ensure that different experiences would be considered in a project design but would also underline the distinctive European character of the ENoP political party cooperation programmes.

In view of the difficulty in finding reliable and independent local partners to conduct training and dialogue events with parties and to promote dialogue between parties and CSOs, it is proposed to establish „European Houses of Dialogue and Participation“ in individual countries. Such houses would serve as venues where ENoP member institutes, but also other European institutions, could conduct training and dialogue activities together with local partners. Such activities should address political parties, parliamentarians and politicians in general, but also representatives of CSOs and – depending on the activity – a broader audience. In

addition to activities aimed at either side, activities involving representatives of parties and CSOs should also be carried out, so that they could become places of meeting and dialogue between parties and society. The houses should each be managed by a temporary delegate from one of the ENoP member institutions, who is responsible for programme coordination. In principle, all ENoP members would have the right to hold events in these houses with their local partners. The „European Houses“ would be run independently of the local EU representation, but in coordination with it.

To encourage dialogue and cooperation between political parties and CSOs, the EU should publish calls for the creation of joined thematic or topic-oriented “political party-CSO platforms”. This could be envisaged in the sense that the EU supports projects for the development of policy positions. Representatives of political parties and CSOs should be involved. Such meetings could help to stimulate mutual contact and promote the emergence of a culture of dialogue and cooperation. In order to raise interest in such projects and also provide them with substantive input, it is recommended that such platforms on specific topics would also be combined in each case with a study and information programme in at least one EU member state, co-organised by ENoP members. Politically-sensitive topics concerning the inner life of parties could not be addressed, at least in the initial phase of such a project.

Project activities in partner countries should be complemented by exposure programmes which could take place both in neighbouring countries and especially in European countries where party representatives from abroad can experience the different forms of organising democracy. Such exposure programmes should also include encounters with European CSOs which could present their experiences regarding contact and cooperation with political parties.

ENoP and its members should organise an annual international forum on the status of global political party development together with representatives of political parties from different parts of the world. This forum would have a distinctive character to meetings of party families, academic conferences or inter-parliamentary encounters, as well as conferences that deal with the global state of democracy. The ENoP annual international political party forum would offer a comparative view to political party development, achievements and deficiencies, and an exchange on best practices.

Party cooperation cannot be carried out according to a “one-size-fits-all” method but must be adapted to the respective local conditions. Sponsors must first have a high level of understanding and sensitivity for local circumstances before starting cooperative projects. Even if it

takes time before success stories can be told, cooperation must be aware that democracy without political parties is not possible and therefore there is no alternative than to cooperate with political parties abroad.

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El rol de la oposición política en Bolivia (2006–2009). In: García Orellana / García Yapur (Coord.) *Mutaciones del campo político en Bolivia*: 151–239

Democracy is under threat worldwide. And one of the reasons for the decline of democracy is the failure of political parties to perform appropriately and to collaborate with other segments of the society, especially civil society organisations. This leads to a loss of trust in previously dominant or well-respected parties, the fragmentation of party systems, and the (re-)emergence of populist and nationalist leaders who destroy the foundations of liberal representative democracy.

In this process, political parties are both the victims and the perpetrators of the decline of democracy. Above all, however, they are part of the solution. This publication addresses the interplay between political parties and civil society organisations and setting the framework and criteria to ensure the highest possible inclusiveness of citizens, taking into account the political context and overall democratic structure of the countries in focus.



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