**Procedural standards for building democracies**

**Dr. Saud Mohammed Al-Shawoosh  
Assistant Professor of Political Science  
Center for Political and Strategic Studies - University of Sana'a  
May 2012**

**Foreword:**  
   The concept of democracy with its multiple dimensions has  raised  heated debates  amongst  political scientists and sociologists, just as has been the case with    many   concepts related to the phenomenon of "state and society” involving    freedom, justice and rights ... etc. Thus, any argument that there is an overriding concept for the dimensions of the concept of democracy   no doubt needs further deliberation and review.

 The   contemporary experiences of practicing democracy   clearly show that for many people, this concept is still gelatinous and ambiguous.    In spite of the high significance democracy has assumed in many political debates, there is no standard definition of the concept, which has several   definitions depending on the multi-ideological and intellectual frameworks regulating democracy-related researches.   For instance, socialists define democracy differently from Capitalists. The  lack  of  a standard  definition of democracy is manifested in the fact that the United Nations Charter didn’t make mention of the term  "democracy", though  the UN  is one of the most important bodies  supporting  democracy and making great efforts to disseminate  it  throughout the world.

  It is noted that the term “democracy” has an appeal to it, and therefore, most   political systems   are keen to confer the concept on themselves, no matter how practically embodied in the framework of such political systems. It could be argued that in spite of the ambiguity inherent in the definition of democracy, democratic systems share a common quality, namely the responsibility of rulers to their own people, who exercise their oversight role through representatives chosen in competitive free and fair elections.

  There have been a lot of intellectual contributions that have been able to create several     indicators   or criteria according to which      a political system can be described as being democratic or non-democratic.   In this paper, the researcher will attempt to provide a clear insight into the standards based on which a    political system can be called democratic.

It is worth noting that this presentation may have   some deficiencies in terms of the analyses made due to the broad scope of the subject matter.  Broadly speaking, it is axiomatic that work-papers are different in nature from extensive studies and researches.    This can be imputed to the fact that work-papers are limited in size, or so to say.  Accordingly, this paper will try to shed light on its main theme by highlighting the   characteristics of democracy and its current situation the world over, as well as    the standards to be followed for the building of democratic regimes.

 1- Characteristics of democracy:

 Many political scientists have attempted to set out standards for and characteristics of democracy, which are as controversial as was the concept of democracy. We in turn will limit ourselves here to presenting two views expressed by two Western scholars given that democracy is originally a Western concept.

1 - Anthony Jones:  
   He is one of the political scientists who have confirmed that a democratic system is the one that contains a number of indicators, including:   
• the government is being run by a one-party system or a coalition of parties that came to power through popular elections.  
•   Elections are held in specific periods, and the ruling party cannot alone alter the time span intervening between two elections.  
• All adult citizens-males and females- residing   permanently in the community are eligible to vote such elections.  
• Every citizen has one single vote in each election.  
•   The parties that did not win in the elections have no right to use physical force or illegal means to prevent the winning party from assuming power.  
• The ruling party has no right to restrict the political activities of any citizen or other parties as long as they don’t seek to overthrow the government by force.  
•   There are two or more parties   competing for power in each election.

**2 - Samuel Huntington:**  
  The    famous American political scientist  Samuel Huntington  summed up  the  variables  which many    Western thinkers deemed necessary for the establishment of democracy or democratization as follows  :  
• A high level of economic wealth -  a relatively equal distribution of   income and wealth - the existence of   market economy - economic growth and social modernization – the existence of a feudal aristocracy at one  stage of the history of society - the absence of feudalism - the existence of strong  bourgeois ,   strong middle class - high education rate and low illiteracy rate - Protestant  class- low level of civil violence -   political leaders faithfully  committed to democracy .

**2-  State of democracy in the world**  
 We state on good authority that most political systems   are, one way or another, heading towards democratization, as they have sought to carry out political reforms geared towards the achievement of democracy.    Though   such  reforms might be  narrow in scope  , or were conducted  out of the    desire of such  political systems themselves (at the top level  ) or stemmed  from  either  popular     or foreign  pressures,  they indicate ,  at least partially,  that all world political systems seek to  adopt   a closer     approach  to democracy. Thus, democracy has become a sine qua none for recognizing the legitimacy of political systems. Therefore, we notice that most non-democratic political systems speak of democracy as if it were   an essential component of their fabric.

  Historically speaking,    many   political systems   have opted for democracy, as the world has seen what    Samuel Huntington labeled “waves of democratization”, which he divided into three waves -the first wave was prevalent   during the period 1828 -1926, the second spanned the period    1943-1964, while the third wave prevailed   in the 1970s and started with the collapse of the military rule in Portugal in 1974.

  During these periods,   many countries came to adopt   democracy. The researcher argues that the so-called Arab spring that emerged in 2011 is the fourth wave of democratization.   The United Nations has voiced a    similar opinion, stating that    what has happened in the Arab region is a historic turning point in the march of democracy. This is  not only because of the changes that have occurred in the political systems, but also because of the process  that led to such changes and involved  the youth  movements that  stood as   the real advocates  of  change, in addition to the impact   of education  and   modern communication  means.

      The lived reality *does not suggest* that all world countries are adopting democracy with its three levels- full democracy, flawed democracy and hybrid democracy.  The French political scientist,    Maurice Duverger , believes that the majority of nations  are not democratic, rather they adopt the  one-party system with a degree of despotism.

 As for the status quo of democracy at the global level,   several international reports, including a report from the  Economist  Intelligence Unit of the  British magazine "The Economist", a highly credible magazine,  which was titled  "Democracy Index   2010 :Democracy in retreat," indicated that       26  out of 167 world  countries have    full  democracy. These are led by Norway   followed by Iceland and Sweden.

   According to the report,   53 countries have flawed democracy.  Cape Verde, which ranked 27th at the global level, topped the list of these countries   followed by Greece, Italy and South Africa.  It indicated that the number of countries with   "hybrid democracy “" was put at   33. These were led by Hong Kong that ranked     80th on the whole index,    followed by Bolivia and Singapore.

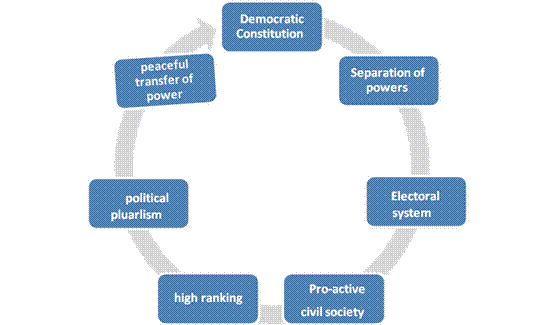
The report highlighted that the number of the non-democratic countries stood at    55   , with    Madagascar, which ranked 113th, topping the list, followed by   Kuwait that ranked 114th, while    North Korea was at the bottom of the list i.e.   (167th on the whole index). The Economist Intelligence Unit’s Democracy index, a 0 to 10 scale, is based on the ratings for many indicators grouped in these categories - the electoral process and pluralism, functioning of government, political participation, political culture, and   civil liberties.   Each category has a rating on a 0 to 10 scale, and the overall index of democracy is the simple average of the five category indexes.

**Moreover,**  Freedom House , in a report on the state of liberties in 2012,  has  stated   that 96% of Western European are  free ,   4% are "partly free", while 6% of the Middle East and North Africa  (MENA) countries  are free,   22% partially free, and 72%  are not free.  
 The number of countries with electoral democracy amounted to   117 out of   195   in 2011, an increase of only two countries compared to 2010.  It is worth noting that the number of countries with electoral democracy in 1988 was 69 only.

**3- Criteria    for Democracy Building:**

The researcher underlines that the criteria proposed in this paper are not a magic formula. Rather, they are   easy to apply once identified.  There is a complex and intertwined system of    political, socio- economic and cultural benchmarks that take a long period of time in order to be applied.

  Undoubtedly, the literal application of these standards   would lead to the attainment of full and ideal   democracy. However, this can never be hundred percent achieved. We don't seek to   achieve neither full democracy (   an ideal objective by itself), nor flawed democracy. Instead, we seek to escape   the specter of authoritarian regimes as a tactical goal and then attain the other levels of democracy as a strategic long-term objective. The proposed standards are:  
1 - a democratic constitution approved through referendum.  
2 - A clear separation of the three powers.  
3 - Peaceful transfer of power.  
4 - An electoral system that reflects the will of all voters.  
5 - Political pluralism.  
6 –pro-active   civil society.  
7 – High rankings/scores in     international reports and indexes.



The following is a brief description of these criteria:   
 **1 - Democratic Constitution approved by referendum:**

  To build a democratic system, there should be    a social contract between the ruler and ruled, as well as a constitution regulating and delineating such a contract.  The constitution must be accurately and unequivocally crafted in order to be expressive of people’s will.  All social segments should be involved in drafting the constitution in such a manner that makes it effective in protecting liberties and determining rights and responsibilities. The constitution shall serve as the key pillar for building modern nation states with institutions respecting the rule of law.

Further,   the constitution must be expressive   of people’s civilization and their aspirations, accurately charting a course for the future. It should not only express the    majority opinion, rather it should be an inclusive framework for all, regardless of   varying visions, ideas, and    orientations.  In   other words, the Constitution should be all-encompassing umpire that settles any disagreements.

  The Constitution should be   applicable, because it is not enough to be a mere democratic statute in terms of provisions, articles and clauses   or remain shelved without being applied on the ground.   It is noted that there are democratic constitutions, but they are not applied on the ground. Indeed, the standard for the quality of constitutions is applicability, not mere hollow provisions.

It is considered to be one of the most important procedural criteria according to which a political system can be described as democratic or non-democratic. In a sense, democracy  calls for peaceful transfer of power ,   meaning that  rulers  assume  power in a smooth , peaceful  and safe way.

A lot of matters are associated with the peaceful transfer of power, including:

1-    The peaceful transfer of power shall be possible and attainable on the part of people and not confined to group, area or class. In other words, competition for power shall be possible among the people as long as there are favorable conditions.

2-    The peaceful transfer of power shall express the genuine will of people, in the sense that voters determine who will be the ruler, and none has the right to curb this will.

3-    Satisfaction with the results of voting   as long as it was free , fair and impartial . In other words, election was not marred by fraud  whether such fraud was before the ballot (such as  adding false names to the records of electors , non- registration of new names or deletion of  the names of   dead people who are no longer possible to vote .) , or fraud during election ( preventing  people from reaching    polling stations  ,  buying votes or fiddling with ballot boxes   ) or,  after polling (  destruction of vote’s papers   , inaccurate vote  count ,  or writing   incorrect reports ).

4-    There are non- democratic systems, be they parliamentary or presidential, in which elections   are conducted regularly. However, such elections are formal and counterfeited in its content, and therefore they cannot be   considered as   a criterion for democracy.  It is not reasonable that members of parliament   remain unchanged for several electoral terms.  Nor   is it rational that the president or the ruler is elected for many terms.

The standard for peaceful transfer of power is that it brings people who have different ideas in every electoral term. It shouldn’t persistently retain the same individuals so as not to make the electoral process meaningless.

5-    The peaceful transfer of power means that there is specific constitutional   terms   for the position of the president of the country, which are specified in most of the democratic countries with two terms .

**3- The criteria for separation of powers:**

This standard means that power should not be monopolized by the     minority so as to avoid      tyranny . It is one of the bases of building  democratic  systems,   which we cannot do away with.  The separation of the three powers (the  executive , the  legislative and the judiciary ) must be determined upon the  preparation of constitutions , and they shall include an accurate description of functions and duties of each authority to ensure that there is no overlap in such  functions or duties . The separation of powers does not mean lack of cooperation and harmony among the three authorities. We don’t want an entire separation of powers  like the one practiced  in the United States , but we want a flexible separation of powers  that enables these authorities to do their tasks strongly  and effectively through  close cooperation.

The legislative authority cannot perform legislative and oversight functions, except     if it is free from the domination of the judicial authority ,  which is the reliable authority in terms of administering   justice in its broad concept . Therefore,    it must be fully independent    financially and administratively; in addition,    the consciences of its members and the constitution shall exclusively exercise oversight over it. If this authority is purged from internal and external corruption, it will constitute  a key  pillar and a guard  for democracy. The independence of judiciary is associated with the  principle of rule of  law which means that the law is the supreme  authority  by which the  rulers and the ruled must abide . As for the executive authority, it must be subject to accountability and popular control ; it should also    adhere  to the  standards of transparency and integrity in the performance of its functions .

The principle of separation of powers, as one of the standards of democracy, will not be useful if it is not applied.

**4- An electoral system expressing the will of all voters:**

The electoral system which is appropriate for one country is not necessary to be appropriate for another country . If the individual system fits one country, it is not necessary to be appropriate for another, and then  the appropriate electoral system for a country is that system which takes into account the situation of the country in all  the  political , economic , social and cultural aspects .Whether the electoral system depends on the numerical  majority system or on the  relative numerical ratio , the most important thing is that the vote shall not go in vain.

**5-Political pluralism :**

Difference and diversity are a divine tenet , and it is not possible that all opinions and perceptions are the same for all people .The differences of ideas , visions , attitudes and ideologies need  multiple and various methods  for the sake of their application .Political pluralism includes multi-party system, multimedia and diversity  of ideas and visions, all of which     require  a wide range of freedom of expression .If the political   pluralism is not based on national basis , it will become a tool of destruction instead of a tool of building ,  and this condition is necessary for countries that seeks for transformation to democratic system.

**6-**    **Active Civil society :**

Civil society organizations are non-governmental and non-profitable bodies. In many democratic countries, they   are considered to be supportive of and complementary to governments. The international bank refers to the presence of more than 60 thousands international non- governmental organizations in the world.

The civil society institutions in many non-democratic countries are   part of the political system, and are      working for its interests, rallying behind it, and are even established by its approval and support .These countries allow the establishment of these institutions to show people,  inside and outside ,  that they encourage  democracy and allow the presence of these institutions as an  indicator    for the establishment of democracy.

It is noticed that many of civil society organizations ( if any ) in non – democratic countries are :

-              Under the control of political systems , working under its command.

-         Expressing  narrow interests  of some groups or classes.

-           established in order to achieve the personal interests of their founders.

It is proved that many of civil society organizations were created to get foreign support and funds ,  and there are hundreds of examples to support this argument t.   Therefore,  the civil society organizations ,  in non-democratic countries ,  are unable to do the same functions performed by their counterparts in democratic countries .

**7-**    **The situation of political systems in international reports :**

There are many international reports issued by international organizations and research institutions. These reports such as  human development reports, indicators of corruption , transparency , good governance and indicators of failed states. All these reports contain , no doubt , significant indicators  which are used , usually , in evaluating the level of democracy in different political systems on the grounds that the level of that systems , according to the reports ( rising or declining  ),  has  direct relations  with the degree of its democracy .But , on the other hand ,there are many people who believe that these indicators cannot be considered, in all times , as honest expression of the existence of  democracy in some political systems  . In this regard , there is an adequate  evidence  of real contradictions between certain  indicators such as human development – for example – and the  level  of democracy in some countries.

Similarly , the rule of the law is considered to be an international indicator for evaluation of the performance of countries.  The higher the index  ,   the more respect for the law  will be shown by the  political system .But despite   this , this standard does not express the existence of democratic system in countries which are ranked high in terms of its application.

We can say that there is a heated  debate over   the  democratic criteria , for example, there is a debate over  whichever comes first ,  economic development or democracy ?!

Is the economic development a result of the implementation of democracy or that the existence of democracy was a result of existence of the development  ?!

There are other debates,  concerning the relationship between democracy and demographic and religious factors .Is the population  considered to be a standard for achieving the democracy , in the sense that , is democracy  achieved in big or small population societies ? Is the religious factor a determinant or criteria  for   democracy ?

We emphasize that there are a lot of debates raised by the various dimensions of   democracy . But because of the very tight time allocated for this paper , the researcher has passed over  a lot of research questions , hoping that such questions shall be raised in an independent study  he may   conduct  in the future in the cooperation with the Association of Senates , Shoora and equivalent councils in Africa and the Arab World.

In conclusion , we emphasize that as far as the democracy needs a clear , specified and applicable criteria , it needs , also , a popular and official will ; it needs a  restructuring  of supreme national interests in which the interests of peoples shall be above all considerations.

The Western model is not all    good, but it has its faults and disadvantages; , the regimes  which seek to apply the western model have to get benefits from   Western democracy ,and mix it with cultural heritage and national experience, particularly in  terms of how to make   democracy   a daily behavior , practiced by the rulers and the ruled.

Transition from non – democratic to democratic systems takes a long time ; the Western model has achieved its objectives  only with patience,  and then the slow and coherent steps towards democracy is better than running fast towards it , as this  may lead  to falling , again , into the trap of tyranny.