

# Preliminary Perspectives about Problems and Prospects for Political Party Development thru Philippine Public Policy Reforms

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# Outline of Presentation

- Introduction / Significance
- Current Legal Framework
- Alternative Models on Political Party Laws
- Discourse on Political Party Development
- Developing Standards for Democratic Parties
- Some Issues and Concerns
- Concluding Observations

**“Today, in all countries of the world, there is no alternative to political parties in the establishment of democracy. No form of nonparty representation that has been advocated has ever produced democratic government. Thus we are faced with a world of democracies based on parties.”**

**- Juan Linz**

**“A democracy in a complex society may be defined as a political system which supplies regular constitutional opportunities for changing the governing officials, and a social mechanism which permits the largest possible part of the population to influence major decisions by choosing among contenders for political office – that is, through political parties.”**

**- Seymour Martin Lipset**

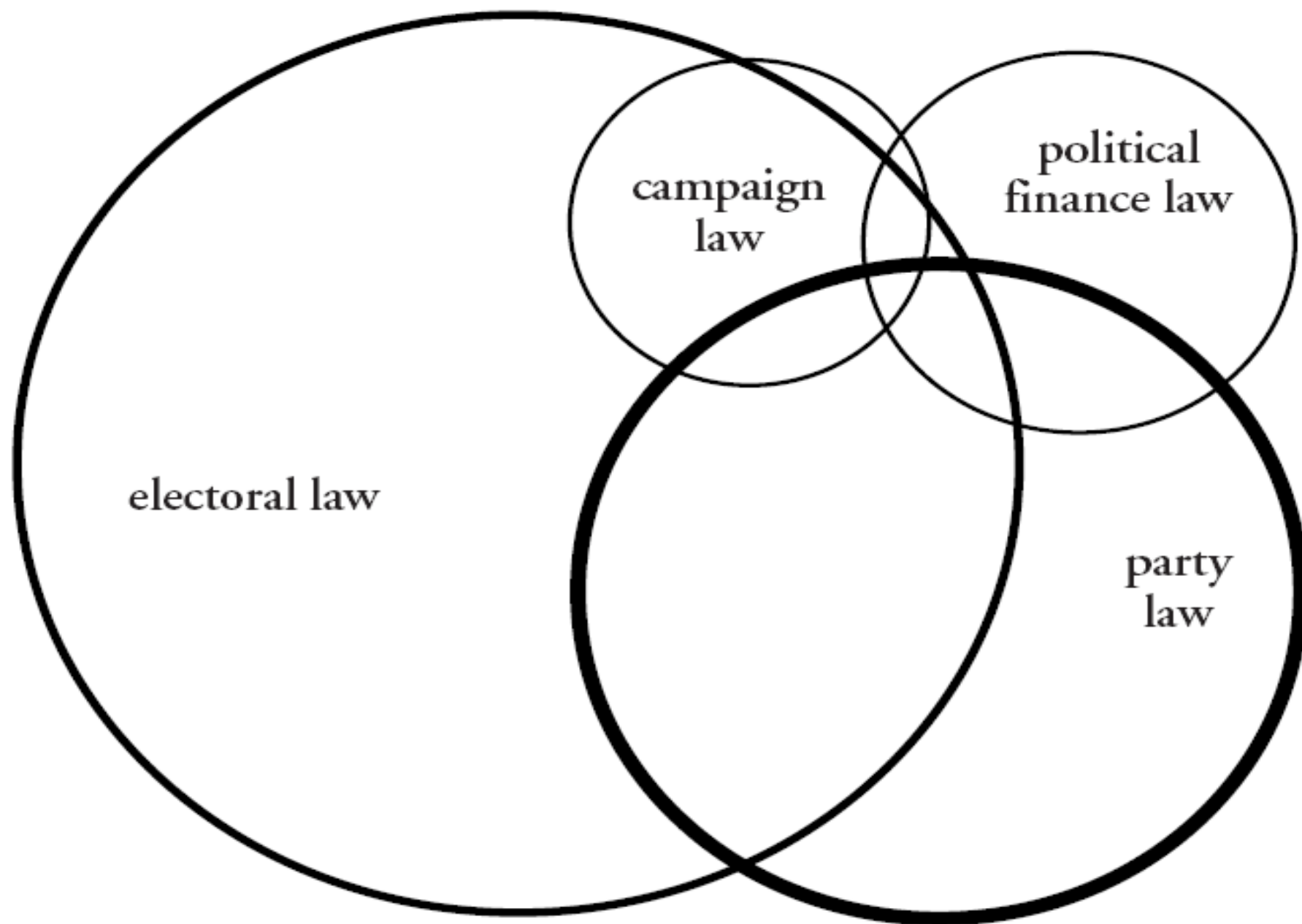
# Significance

- **In a democratic society, people have to establish a government of their choice, and to hold their leaders accountable for their actions when in government**
- **Political parties are primary mechanisms to facilitate this. They are supposed to act as free, independent, voluntary organizations that link people to each other and with their government. In a democracy, the competition between parties is not a fight for survival, but a contest to serve the people**
- **Political parties recruit candidates and campaign to elect them to public office, and they mobilize people to participate in the process of selecting government leaders**
- **Political parties reflect the diversity of the society in which they emerge. They are organized around a set of political beliefs, or around economic interests, or shared history. Still others are loose alliances of people who may only come together during elections**
- **Parties in democratic society perform the critical role of political socialization, and should inculcate the value of tolerance and the virtue of compromise, promoting the principle of cooperation with other political forces to provide the leadership and common vision that can obtain the support of the majority recognizing that consensus can often arise out of the public exchange of ideas in free, peaceful, and open debate**

# Current Legal Framework

- The Philippine Constitution mandates: '***a free and open party system***' that will develop according to the choice of the electorate
- The COMELEC is empowered to register political parties
- In the Philippines, there are laws regulating the conduct of elections & campaign finance BUT none adequately constitute a “political party law”
- Political parties *are* necessary for democratic government, and there *is* a need for legal frameworks to facilitate the emergence & growth of strong, competitive political parties
- Laws governing the definition, composition, structure, and activities of political parties lie at the **core of party law**, which focuses on political parties as organizations. The boundaries of party law are best understood in relation to 3 other bodies of law: ***electoral*** law, ***campaign*** law, and ***political finance*** law

FIGURE 1: SELECTED MODELS OF PARTY ORGANIZATION AND ORGANIZATIONAL TENDENCIES



# Alternative Models of Party Laws

There are five alternative models that characterize policies for regulating parties. Different countries tend to follow policies that either ***proscribe***, ***permit***, ***promote***, ***protect***, or ***prescribe*** parties and party activities. These policy models are conceptualized as pure forms; nations may not follow any one of them exactly in making party law. While countries tend to follow these models, specific laws may fit different regulatory policies reflecting the complexity of the law-making processes. In general:

- those that *proscribe* parties by law forbid them from operating entirely;
- those that *permit* parties allow them to operate freely;
- those that *promote* parties actively support them;
- those that *protect* parties favor certain ones over others; and
- those that *prescribe* for parties seek to mold them to fit an ideal.

# Discourse for Party Development

- In a new book, Thomas Carothers describes parties as the *weakest link* in many democratic transitions around the world—frequently beset with persistent problems characterized by what he calls the STANDARD LAMENT, thus:
  - Parties are corrupt, self-interested organizations dominated by power hungry elites who only pursue their own interests or those of their rich financial backers, not those of ordinary citizens
  - Parties do not stand for anything; there are no real differences among them. Their ideologies are symbolic at best and their platforms vague or insubstantial
  - Parties waste too much time and energy squabbling with each other over petty issues for the sake of meaningless political advantages rather than trying to solve the country's problems in a constructive, cooperative way
  - Parties only become active at election time when they come looking for your vote; the rest of the time you never hear from them
  - Parties are ill-prepared for governing the country and do a bad job of it when they do manage to take power or gain places in the national legislature

# *Confronting the Weakest Link*

***“ Nevertheless, it is clear that political parties in many new or struggling democracies are indeed highly problematic organizations from the point of view of democratic development. Most are what might be called political cabals or clubs—highly personalistic, leader-centric organizations in which an assertive, ambitious, often charismatic party leader, together with a set of close followers and associates, pursues political power through elections...almost all display a tendency toward leader-centrism, topdown organizational management, nontransparent and often highly personalistic financing, relentless electoralism, and ideological vagueness. In short, the standard lament that so many citizens in new or struggling democracies have about their parties does indeed have roots in the reality of their parties, even taking into account the often excessively high expectations that citizens of these countries have at the start of the attempted democratic transitions...some of the party systems are unstable and volatile...Not being able to count on a stable base, and facing extinction if they fail to score in elections, many parties in such systems have to work increasingly hard to try to win votes. This fuels their need for money to finance their campaigns, which pushes parties to multiply certain behaviors, such as corrupt financing and selling places on the party lists to the highest bidders, that only vitiate their credibility with citizens, thereby deepening the problems of unstable bases and aggravating the boom and bust cycle. Guatemala, Peru, the Philippines, Poland, Thailand, and Venezuela are all examples of countries with party systems that have shown high levels of instability in the past fifteen years”***

# Emerging Standards for the Democratic Functioning of Parties

- **Respect for Legitimate Elections as Basis of Government**
- **Respect for Electoral Processes**
- **Respect for Other Parties and Free Competition**
- **Commitment to Non-Violence**
- **Communication of Principles, Policy Proposals, and Accomplishments**
- **Encouraging Political Participation**
- **Governing Responsibly**
- **Defining and Protecting Party Labels**
- **Conditions for Party Membership**
- **Relations Between Party Units**
- **Mechanisms for Dispute Resolution**
- **Selection of Party Leaders and Candidates**
- **Adherence to Internal Rules**
- **Accountability in Party Finance**
- **Measures to Tackle Political Corruption**

# Policy Perspectives and Choices

- Contextual Factors (History, Culture, Economy)
- Impact of Constitutional Systems
- National and Local Dynamics
- Impact of Electoral and Voting Systems
- Inter-Party Competition vs Intra-Party Democracy
- Typology of Parties
- Preferences and Values
- Convergence or Divergence
- Resources and Political Will
- Mechanisms for Citizens' Oversight

# Some Concluding Observations

- 1. In most advanced democracies, political parties were created and grew strong without being mentioned in their national constitutions.**
- 2. Even today, many advanced democracies lack any overarching legislative statute regulating parties in the form of a Party Law.**
- 3. Most advanced democracies that do have a Party Law enacted it after their parties had matured and with the parties' participation.**
- 4. In contrast, governments in many developing nations regulate parties in constitutions written prior to the formation or development of parties.**
- 5. In addition, governments in some developing nations have enacted detailed statutes that prescribe how fledgling parties should organize and operate.**
- 6. Whether incorporated in constitutions or in statutes, detailed party law prescribing how parties should operate may have a chilling effect on the formation and functioning of parties in emerging democracies.**
- 7. Moreover, governments in some developing nations have enacted statutes that protect existing parties or bolster the parties' leadership.**
- 8. By enacting "too much" party law under the "prescription" or "protection" models, governments can deter the creation of political parties or control the development of parties that are created.**
- 9. By enacting "too little" party law under the "permissive" model, nations can suffer having a surfeit of minor parties in a chaotic government.**
- 10. However, having "too little" party law tends to be a temporary condition soon corrected by legislation backed by the government and larger parties.**
- 11. The "permissive" model of party law may encourage the formation and development of political parties in developing countries better than the "prescription" model.**

**“Civil society is not and can never be a substitute for political parties or for responsible, progressive political leadership. It should never be a case of civil society *instead of* political parties, but rather civil society as a necessary complement to parties... The democratization of political parties must be a priority in the efforts to restore public confidence in parties and the democratic process as a whole. Greater citizen participation, accountability of leadership, transparency, and institutional safeguards are more important now than ever for this democratization effort to succeed.”**

**- Ivan Doherty**

# References

**Thomas Carothers, Kenneth Janda, Ivan Doherty, Juan Linz, Seymour Martin Lipset, Larry Diamond, Sakuntala Kadirgamar-Rajasingham, Richard Katz, Guillermo O'Donnell, Scott Mainwarring, Michael Johnston, Pippa Norris, Marcin Walecki, Michael Pinto-Duschinsky, International IDEA, NED, NDI, IRI, WFD, NIMD, IFES, FES, KAS, FNS**