NEGOTIATING THE STABILITY OF POLITICAL INSTITUTIONS IN THE MAGHREB REGION: POWER, LAW AND REFORM

INSTITUTIONAL LEAD

Laboratoire de recherche en droit international et européen et relations Maghreb–Europe

MODERATOR

Haykel Ben Mahfoudh
Director, Centre for International and European Law and Maghreb-Europe Relationships, University of Carthage

OVERVIEW

Changes witnessed by Maghreb states offer an overview of different levels of political bargaining and how they contribute to shape institutional reform and political decisions in deferring transitional moments. Unsurprisingly, reforms are negotiated primarily based on internal power play of each country but are also largely linked to a wider context involving the influence played by external actors. Hence, critics of such processes may question both their institutional legitimacy and sustainability. Then, more broadly, the formalization of the impact of the reforms through the means of unified legal approaches invites further examination. Internal models of governance are heavily defined by the role of international expertise. However, there is still doubt about whether the standardization of institution-building offers guarantees of sustainable peace and long-term stability. The importance of bringing these questions to the table from the perspective of Maghreb states converges towards deconstructing the foundational elements of peace building, not only within regions but also with regards to their neighbours.

OBJECTIVES

The session had five objectives: to deconstruct the discourse on negotiated political reforms; to considered how legal standards work in different contexts; to demystify the role of consensus in building peace and reaching political solution; to link the transformation of political order with the 'new' identity of the country; and to identify the real actors with whom to negotiate.

KEY TAKEAWAYS

There is a need to identify the objectives for parties during negotiation process. Offered solutions are not matching expectations—when it comes to implementation, they are useless. Contextualization is necessary.

Legal reform does not bring political stability. Ownership of the processes is a key factor for success. Consensus is important, but there must also be an opportunity for dissent.

RECOMMENDATIONS

- Be humble and learn what the country is offering and who are the key actors.
- Build the capacities of local experts.
- Adjust and adapt offered solutions.
- Strengthen accountability of the actors (government, political parties, non-governmental organizations, international community).
- Create proper infrastructure before starting any institutional reform process.
- Adopt a realistic time frame for any negotiation and implementation process.

SESSION QUOTES

'We need to invent a new normative identity of the state.'

'Lack of balance between negotiating people creates chaos.'

'The context is more important than the content.'

'Libya: not to rebuild the state but build it.'

'Focus on failures rather than successes.'

'How to negotiate with someone who does not exist?'

'They focus more on front than on the functions.'

'It is important not to lose sight and clear political ideas.'

'Legal reforms become a factor of bargaining.'

HIGHLIGHTS

Thinking of how international donors can help with political processes.

RESOURCE LINKS AND DOCUMENTS

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