

Tunisia: Civil Society, the Driving Force behind the Democratic Transition

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In the devastated landscape of what has rather hastily been called the Arab Spring, Tunisia is an exception. This country, which in January 2011 triggered the movement of Arab revolts against dictatorship and for freedom, has certainly undergone a long and fragile political transition, but it has managed – four years, three political assassinations¹ and six administrations² later – to retain its republican institutions, enact a new constitution hailed by numerous observers as the most progressive in the Muslim world, and pass the test of two legislative elections (October 2011 and November 2014) and as many political changeovers (the seculars handed the reins of power over to the Islamists in 2011, then vice-versa in 2014) to arrive today at a parliament, a government and a President elected through universal suffrage for a five-year term.

The Tunisian Exception

In the other Arab countries that followed Tunisia in rising up against dictatorship, the situation is less rosy. In Libya, Yemen and Syria, the ‘revolution’ led to anarchy and civil war, reinvigorating jihadi groups and reawakening the old demons of tribalism and ethnic and confessional conflicts. In Egypt, after the

fall of the Hosni Mubarak regime, the State did in fact remain intact, but at the price of a military putsch and the army’s taking power again. The democracy chanted by the crowds of revolutionaries at Tahrir Square in Cairo was thus postponed indefinitely. Which has led Brian Garrett-Glaser, a researcher at the Center for Preventive Action of the Council on Foreign Relations (USA), to say that “Tunisia is a relative island of stability in a chaotic region, and the outcome of its democratic transition – as well as the role played by the United States throughout – will have a significant impact on regional and global security, US-led efforts to counter violent extremism, and perceived credibility of US actions in the Middle East.”³

As many other American researchers regarding the nascent democracy in Tunisia, Brian Garrett-Glaser believes “Tunisian attitudes toward democracy and Islam prove that the two are not incompatible” and can help dissipate the general scepticism regarding the role of political Islam in a democratic regime based on political change through elections. “It is in the United States’ strategic interest for this realisation to spread throughout the region,” he concludes.

The Spaniard Lluís Bassets arrives at the same conclusion: “Tunisia is an exception, a sort of solitary democracy lost in an ocean of autocratic regimes and failed states. Nonetheless, it has become the solution, the model that the Islamic State struggles against, the exact opposite of the Caliphate,”⁴ he writes, alluding to the terrorist attack at the Bardo

¹ Lotfi Nagdh (of the liberal Nidaa Tounes party), and Chokri Belaïd and Mohamed Brahmi (of the left-wing Popular Front coalition) were assassinated by religious extremists.

² Mohamed Ghannushi (January-March 2011), Beji Caid Essebsi (March-December 2011), Hamadi Jebali (December 2011-March 2013), Ali Laarayedh (March 2013-January 2014), Mehdi Jomaa (January 2014-February 2015) and Habib Essid (since February 2015).

³ “US Interest in Tunisia’s Successful Democratic Transition,” Council on Foreign Relations, 13 March 2015, <http://blogs.cfr.org/zenko/2015/03/13/guest-post-us-interest-in-tunisia-successful-democratic-transition/>

⁴ Lluís BASSETS, “Túnez todavía es la solución,” editorial in the Spanish newspaper *El País*, 22 March 2015 http://elpais.com/elpais/2015/03/20/opinion/1426882653_036755.html

Museum in Tunis on 18 March 2015, which killed 22 people, primarily foreign tourists. The Spanish editorialist also advocates greater support from European countries for the Tunisian democratic experience: “Tunisia is the solution, but this solution cannot come solely from Tunisia. Tunisia is also the last bastion against the ominous alternatives of dictatorship or chaos [...]. Will we abandon the Tunisians to their fate now?”

The Only Arab Democracy

Tunisia’s status as the only Arab democracy was not won overnight. The country has earned it through a long process of negotiations, at times heated, between political actors, which have allowed the State’s institutions to endure, the population’s democratic aspirations to be realised and a parliamentary regime to be instated that accords a significant role to citizen participation. This has, as we know, come at a price in sweat and blood, but one that can be considered reasonable in comparison with what is occurring in other Arab Spring countries.

Various grounds can be advanced to explain this relative success. We will discuss here those that seem the most pertinent, historically and politically:

1. First of all, Tunisia has a very old tradition of state organisation, instated by the Husaynid Beys more than three centuries ago. This has allowed it to weather the storms (of colonialism, dictatorship and then democratic transition) without crumbling, backed by an administration that, though all-powerful and bureaucratic, was relatively well-organised and efficient.
2. This state tradition was strengthened by a reformist process born in the first half of the 19th century, with the abolition of slavery in 1846, the promulgation of the first constitution in the Arab world in 1861, the adoption of a national currency and, last but not least, the establishment of an army that has managed to maintain its role as protector of state institutions and national borders while refraining from interfering in political affairs throughout its existence, even at times of crisis and major uncertainty.
3. The emergence as of the 1920s, under the French protectorate, of political parties, unions

and associations that would lead to the movement for national independence, gained in 1956 more through negotiation than war and that, after the instatement of the republic in 1957, would continue their work of political management and citizen mobilisation. In addition, and despite the dictatorships imposed by Habib Bourguiba (1956-1987) and Zine El Abidine Ben Ali (1987-2011), which attempted to muzzle these parties, unions and associations and place them at the service of their respective authoritarian regimes, Tunisian civil society has never lost its vitality, strength and openness to the world. It even played a decisive role in the popular mobilisation leading to the overthrow of Ben Ali and in channelling popular forces to make the democratic transition advance while preventing excesses that could lead to anarchy.

Civil Society, the Metronome of the Transition

The day after the revolution of January 2011, the State tottered but did not fall. The Parliament, consisting of two chambers, was dissolved, as was the constitution in effect since 1959. A provisional government was instated with the mission of administering daily affairs and preparing the election of a constituent assembly.

At this dangerous stage, civil society was in the forefront, namely through the High Commission for the Realisation of Revolution Objectives, Political Reform and Democratic Transition (HIROR), which established the bodies and legal mechanisms necessary for the transition to run smoothly. Directed by Yadh Ben Achour, an eminent law professor specialising in Islamic political theory and public law, the High Commission brought together representatives of political parties, national organisations (trade union centre, employer’s association), professional associations (bar association, magistrates, journalists, university faculty, engineers, etc.) and independent national figures. This Commission, which filled the institutional void left by the dissolved Parliament, in adopting the statutory instruments necessary for the State to operate, created the Independent High Authority for Elections (ISIE), entrusted with organising the October 2011 elections,

the first truly free and transparent elections in the country's history. At the same time, numerous other commissions ensured other aspects of the transition operated properly, in particular the National Commission for Media and Communications Reform (INRIC), the National Commission to Investigate Cases of Corruption and Embezzlement (CNI-ACM) and the National Commission to Investigate Excesses and abuses (CNIDV).

These provisional commissions, whose members were co-opted from among civil society's most prominent experts and actors, conceived the wise engineering of the political transition (general amnesty, law on political parties, a new electoral code, etc.), prepared the necessary sector reforms (media, magistracy...) and laid the groundwork of a transitional justice designed to definitively settle the dictatorship period.

These commissions, which operated on a volunteer basis but with logistic support from the State, dissolved themselves after the election and establishment of permanent legal institutions, namely the National Constituent Assembly (NCA), the Independent High Authority on Audiovisual Communication (HAI-CA), the Truth and Dignity Commission, etc.

The Origins of National Dialogue

By the same token, the new-found freedom allowed civil society to break free of the shackles of state control that had long suppressed it under the dictatorship and to regain a momentum, vivacity and creativity that would grow over the months. Thousands of associations were thus established, taking advantage of the easing of the conditions and procedures required for their creation. Some of them played a key role in the transition phase, as for instance, *Mou-rakiboun* (Observers), the *Association tunisienne pour l'intégrité et la démocratie des élections* (ATIDE, the Tunisian Association for the Integrity and Democracy of Elections) or I Watch, which have contributed, together with the Independent High Authority for Elections (ISIE), to ensuring that electoral operations take place properly. The *Al-Bawsala* (Barometer) association specialises in observing the work of the Assembly. It also monitors the proper execution of the state budget and lately also ensures citizen oversight of municipal activities in all do-

main: infrastructure, health, culture, sports, etc. Dozens of other associations can also be cited, active in domains as diverse as police reform (Islah), financial transparency (ATTF), observation of the judiciary (OTIM), etc.

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To measure the importance of the role played by the civil society in Tunisia in preventing the chaos currently reigning in the other Arab Spring countries, one must recall the action civil society organisations took during the crisis arising after the political assassinations of the two left-wing leaders Chokri Belaïd and Mohamed Brahmi. It was in the summer of 2013: tens of thousands of Tunisians were protesting daily in cities across the country to demand the dissolution of the government led by the Islamist Ali Laarayedh. And the cause: the aggravation of the economic crisis, the rise in religious extremism and its corollary, terrorism, and social malaise (unemployment, insecurity, inflation...) revealed the incompetence of the government and its inability to rise to the situation.

The country, divided into two irreconcilable blocs – the Islamists and the seculars – was on the verge of civil war. The work of the National Constituent Assembly was suspended, the government paralysed and international partners and lending institutions won over by misgivings. And this was when the civil society once again intervened to save the day by launching the National Dialogue under the auspices of four national organisations: the Tunisian General Trade Union (UGTT, the historic labour union confederation), the Tunisian Union for Industry, Commerce and Handicrafts (UTICA, the national employers' union confederation), the National Bar Association (ONAT) and the Tunisian Human Rights League (LTDH). The heads of these organisations succeeded in reconciling the positions of party leaders and bringing them to the negotiation table. A marathon of

meetings from September to December 2013 allowed them to reach a solution acceptable to all parties, which consisted in dissolving of the government, establishing a technocratic government entrusted with managing daily affairs and creating the conditions for holding legislative and presidential elections by the end of 2014, and accelerating the adoption of the new constitution. This was the scenario, scrupulously followed by all parties involved, that allowed the Tunisians to overcome the crisis, save the democratic transition they believed compromised and regain hope.

The Conundrum of Secret Funding

When considering the vitality of Tunisian civil society today, one mustn't lose sight of the darker side of the coin, namely, the secret ties held by many associations with certain major political parties.

Taking advantage of the weakened State and the absence of effective methods to control political funds, which flow at times via informal circuits escaping the banking system, these parties use associations, whose number has practically doubled since the revolution, going from 9,000 to over 16,000, as funding pumps. The resources thus collected allow them to display an insolent degree of wealth while organising American-style electoral meetings, deepening their networks in popular districts and offering needy families gifts (sheep for Eid al-Adha, school supplies for children, funds for marriages and circumcision ceremonies, baskets with food or household goods...). These facts are not only commonplace but widely discussed by the media, yet the authorities seem helpless in addressing the practices of political parties that, upon taking control of the legislative institution, seem to have also taken hold of the state apparatus and neutralised public control mechanisms.

In any case, parties and organisations are required by law, if not to reveal their funding sources, at least to submit a detailed annual report on their revenue and expenditure to the Court of Auditors, as stipu-

lated by Decree-Laws 87 and 88 of 2011 regulating the organisation of political parties and associations, respectively. The problem is that the majority of parties and associations do not comply or only partially comply with this legal requirement. The Court of Auditors is handicapped by a lack of material means and expertise in the control of political fund flows. To gain an awareness of the enormity of the task, suffice it to imagine the number of accounting experts needed to audit the accounts of some 150 political parties and 16,000 associations.

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Officially, parties are funded by membership dues and public subsidies allocated in proportion to their representation in Parliament. It is a known fact, however, that the amounts collected through these two legal sources are not even enough to cover the rental fees and operating expenses of the hundreds of offices these parties, particularly the larger ones, maintain throughout the republic, not to mention the salaries of the hundreds of civil servants they employ full time. The other sources, less transparent and harder to trace, are contributions in cash and in kind made by certain local businesspeople wishing to have 'clients' among the policymakers, and 'shell' associations often financed by foreign donors. And this is where we will find one of the significant challenges to the success of the democratic transition in Tunisia: gaining greater control over foreign funding, particularly that from certain Gulf States using hundreds of so-called Koranic, charitable, social or cultural associations as 'slush funds' for Islamist parties – including Ennahdha – and, according to certain media investigations, even terrorist groups.