TUNISIA: REVOLUTION AS A NEW FORM OF POLITICAL TRANSITION PERSUASION

Mohamed Chafik Sarsar

Tunisian transition escapes conventional patterns because of the particular kind of revolution occurred: the characteristics of the leadership, the actors involved, the relatively peaceful nature and the key role of civil society. In some way, it could be seen more like a peculiar kind of democratic transition than a genuine revolution. In any case, stabilization and democracy are still far to be achieved and the procedural delay could seriously undermine the accountability of the transitional institutions.

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Introduction

Revolutionary events often hit observers by their novelty, their rapid upheavals and the uncertainty they shed on the future. Charles Kurzman has also written a book about The “Unthinkable Revolution”\(^1\).

Every transition is characterized by its own complexities, but the Tunisian transition escapes conventional patterns because of the particular kind of revolution under way and the characteristics of the leadership and the actors involved. If the causes of the Arab uprisings are similar, their trajectories are different. The specificities of Tunisian revolution would make it more like a peculiar kind of democratic transition than a genuine revolution.

In this paper we will try to assess the democratic transition in Tunisia, analyzing its positive aspects, its difficulties, and the challenges that still have to be overcome, ending by answering the question: is democratic transition in Tunisia just a peculiar experience, or is it a new model of transition? Surely, after the elections of October 2011, difficulties started to arise, and the democratic process appears to hang.

1. Tunisian Transition’s specificities

The Tunisian revolt is a facet of the global revolution against exclusion and contradictions generated by the global system, nevertheless it’s characterized by significant specificities: its peaceful nature (a), the leadership’s crisis (b), and the diversification of areas of consensus (c).

a. The Peaceful Nature of the Tunisian Revolution

The peaceful nature of the revolt began with the use of the keyword “degage!” (“Go away!”), followed by the sudden overthrowing of a dictator who ruled for 23 years with a terrible police apparatus. This was made possible by the rallying of a part of the governmental institutions to the side of the revolutionary movement. Surprisingly, the army refused to shoot the crowds, which explains, among other things, the limited number of victims. The total number of casualties amounted to 338 (among which 86 prisoners who died for the burning of a prison and 19 dead between the security forces); 185 deaths remains of uncertain origin\(^2\). Possibly, snipers whom identity has not been revealed, played a key role in terrifying the population in order to halt the recovery of life, forcing people to stay at home. Crimes and threats have probably been committed by the supporters of the old regime, who wanted to create an obsession of


\(^2\) Report of the national commission investigating the excesses and abuses that occurred during the revolution (April 2012).
insecurity among the common people, pushing them to guard their neighborhoods. One of the private television channels broadcasted false messages during the revolution days, pushing the audience to believe into unknown attacks against people and properties. Despite of these attempts to engender a violence’s escalation, the Tunisian revolution has retained its peaceful nature, counting very few cases of retaliations.

b. The leadership’s crisis

Tunisian revolution was born orphan: without a person or a group or party taking the leadership. This was due to the crisis of political parties who were unable to predict the revolution and to lead the mass. The leadership’s crisis marked the evolution of Tunisia’s transition, as far as civil society replaced the political parties in this function. Moreover, a National Council for the Protection of the Revolution was created on January 26, 2011, from the alliance of 28 associations, among which the General Confederation of Tunisian Labor (UCGT), the Association of Judges, and the Bar Association. Despite of the efforts for change and renovation, the first transitional government was composed of several ministers who worked under Ben Ali, among which Mohamed Ghannouchi and interim President Fouad Mbazza, who have been appointed respectively as Prime Minister and President of the National Assembly. This is what explains the failure of the first provisional government.

c. The diversification of areas of consensus

The leadership crisis has led to the creation of new “consensus gathering” institutions, which resulted in a differentiation of areas of consensus. One of these new institutions was the HIROR: the High Authority for the Achievement of the Revolution’s Objectives, Political Reform, and Democratic Transition. The HIROR was the source of all decree laws during the first transition period, including those related to political parties, associations, electoral law and the communication sector. Members of various political parties and civil society groups composed the organization’s membership. In its lifetime, HIROR had different responsibilities, including the drafting of the electoral law, in which a particular attention was paid to gender equality, so that an equal representation of men and women as candidates has been granted. A republican agreement was made in order to limit the mandate of the National Constituent Assembly. The electoral system adopted in October 2011, encountered the agreement of most of the political parties.
The same kind of agreement developed within the HIROR was supposed to continue in the National Constituent Assembly by virtue of its pluralistic composition. However elections gave again the word to the political actors with their individual projects and their ensuing divisions. 14 November 2011, Tunisia’s election commission (ISIE) announced the results of the October National Constituent Assembly (NCA) election. After an appeal period, the Islamist party, Ennahda, won 89 out of 217 seats and the Congrès pour la République, in a distant second position, won only 29 seats.

<table>
<thead>
<tr>
<th>Party / List</th>
<th>Percentage of Vote</th>
<th>Number of Seats</th>
<th>Percentage of Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ennahda</td>
<td>37.04%</td>
<td>89</td>
<td>41.01%</td>
</tr>
<tr>
<td>Congress for the Republic (CPR)</td>
<td>8.71%</td>
<td>29</td>
<td>13.36%</td>
</tr>
<tr>
<td>Popular Petition (Arzitha Chebbi)</td>
<td>6.74%</td>
<td>26</td>
<td>11.98%</td>
</tr>
<tr>
<td>Etnakht (FDI)</td>
<td>7.93%</td>
<td>20</td>
<td>9.22%</td>
</tr>
<tr>
<td>Democratic Progressive Party (PDP)</td>
<td>3.94%</td>
<td>16</td>
<td>7.37%</td>
</tr>
<tr>
<td>The Initiative (Al-Moubodara)</td>
<td>3.19%</td>
<td>5</td>
<td>2.31%</td>
</tr>
<tr>
<td>Democratic Modernist Pole (PDM/Al-Qurb)</td>
<td>2.79%</td>
<td>5</td>
<td>2.31%</td>
</tr>
<tr>
<td>Afnk Tunis</td>
<td>1.89%</td>
<td>4</td>
<td>1.84%</td>
</tr>
<tr>
<td>Tunisian Workers’ Communist Party (Al-Badil Al-Thawri)</td>
<td>1.57%</td>
<td>3</td>
<td>1.38%</td>
</tr>
<tr>
<td>Other</td>
<td>27.19%</td>
<td>20</td>
<td>9.22%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
<td><strong>217</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Source: Carter Center, Elections’ result, November 2011

Several events have shown that the recourse to the creation of consensus gathering institutions was crucial in overcoming the different crises that Tunisia has been facing during the last two years. For example, when the Commission of Inquiry in December 2012 proved the involvement of the Leagues for the protection of the Revolution in the attack to the headquarter of the Tunisian General Labour Union (UGTT) in Mohamed Ali Square, a national conference between the parties was held in Dar Dhiafa, in Carthage, in order to promote dialogue and peaceful resolutions.

Civil society played and plays a very important role in the Tunisian transition: it observes and controls the political actors, act as a mediator between the government and the opposition and participates to the dialogue for the proposal and the enacting of new bills.

**2. The challenges of democratic transition**

Democratic transition in Tunisia must face urgent challenges, such as strengthening the consensus between the different actors, adopting a
Constitution that meets general expectations, regaining internal and international accountability, restoring security—especially on the borders, ensuring elections’ sustainability, paving the way to political stability and democratization, boosting economic development, setting conditions for social peace, taking a position towards the presence of radical movements, assuring the freedom of the media.

In this paper we will examine three key issues: the constitutional process delay (a), the normalization of the political scene (b), and the reform of the justice system (c).

a. The constitutional process delay

Mr. Mustapha Ben Jaafar, president of the National Assembly, submitted a calendar to the General Assembly concerning the establishment of the Independent Election Authority (ISIE) and the adoption of the Constitution. The High Authority for the election was supposed to begin its works on April 25, 2013, the first drafting of the constitution was supposed to be completed in July 2013 and the final draft adopted in September 2013. New elections have been planned between October and December 2013. Despite the expectations, the High Authority for the Elections has only been created in July 2013. Tunisia constitutional process was interrupted and this delay has consequences even on transitional justice, calling into question the accountability of political actors. Citizens begin to regret the only democratic elections in Tunisia.

b. The normalization of the political scene:

The political system has been weakened by different factors: the high number of political parties (171), the escalation of violence occurred in recent times, the growing defiance of Tunisians towards political parties, low influence of opposition parties. The absence of electoral traditions makes also more difficult to get to a normalization of the political life. Reducing the fragmentation of the political system is very important for the future of the democratic transition.

As we said before, civil society plays a key role in Tunisian transition, as it mediates between the parties and monitors the transition process. Nevertheless, the associative phenomenon suffers from external and conditioning interference: civil society is sometimes the field of partisan confrontation with other means, or, in some case, associations survive only thanks to foreign funds, which leads to high levels of corruption.

However, civil society interacts in a decisive way with the transition government: the Tunisian General Labour Union (UGTT) prepared a draft constitution that was submitted to the members of the National
Constituent Assembly. Certain Committees of the Assembly were asked to listen to the experts of the UGTT on certain points of the project. The UGTT, with the Tunisian League of Human Rights, the Law Society and the Committee of Experts of the High Authority for the Achievement of the Revolution present a project for the next election administration. In June 2012, the UGTT promoted an initiative for national dialogue.

c. The reform of the justice system

The reform of justice system is as urgent as the application of transitional justice. Only on May 2013 the National Constituent Assembly passed a law on the establishment of an interim authority for the supervision of the judicial system³, very late considering that the presentation of the draft text was on March 2012. In June 2013, the National Constituent Assembly started the discussions about the draft of the transitional justice body of laws. The draft was presented 10 August 2012, but, to date, the text hasn’t been adopted, although transitional justice is essential for a successful democratic transition.

The reform of the justice system is a very difficult challenge: corrupt judges should be punished or dismissed, the recruitment system should be reviewed, as well as the guarantees of the independence of justice, and national law should be harmonized with international good practices.

Certainly democratic transition cannot succeed in the absence of independent justice, but it is still very difficult to get to an agreement between different stakeholders in the field of justice.

Conclusion

The path of democratic consolidation in Tunisia must go through the resolution of multiple challenges, and, in order to overcome all the obstacles, it is fundamental to multiply dialogue opportunities and “consensus gathering” initiatives and organizations rather than pursuing confrontation. Concerning this last point, Tunisia is going in the right direction.

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³ Loi organique n° 2013-13 du 2 mai 2013, relative à la création d'une instance provisoire pour la supervision de la justice judiciaire.