

CHAPTER IV

THE PROCESS OF DEMOCRATIZATION IN 2011-2016

Political change between Ben Ali's departure and the historical speech of interim President continuous tensions between the constitutional legality of the government and the revolutionary legitimacy of street politics. Tainted with high levels of uncertainty and the spread of violence, this phase of extraordinary politics created new political possibilities but also fears. While media coverage shifted Tunisian people remained massively mobilized.

To counter the legal void on the eve of 14 January 2011, the government, after briefly pondering the possibility of applying article 56 of the constitution referring to the temporal inability of the president to rule agreed that Ben Ali was permanently incapable of ruling. Following article 57 of the constitution interim presidency was conferred on the speaker of the Parliament.⁴ From that day on, until Mohammed Ghannouchi's resignation in late February, political developments were dictated by the tensions between the institutional continuity that the legal government was striving for and the revolutionary legitimacy of the popular mass mobilizations.

Mohammed Ghannouchi, well aware of these tensions, tried to form a government of national unity that would lead the transition to presidential elections. The formation of this government – which included, besides important members of Ben Ali's party (Rassemblement Constitutionnel D mocratique, RCD) still controlling the regal ministries, also figures of the opposition, union militants and some co-opted youngsters – was not a success. Several proposed members resigned before they even took office as they claimed never to have been asked formally to join the government.

Only a week after Ben Ali's departure, on 20 January, a coalition of revolutionary and oppositional forces (including

former and new political parties or trends, the youths from the uprising, union and civil society militants) joined forces to create the 'Front of January 14th' that saw itself as the only legitimate authority to speak in the name of the people and opposed the transition from above that the legal government was proposing.

For the Front, the usage of article 57 of the constitution constrained the possibilities for political change too much. According to the letter, presidential elections needed to be organized within 60 days, a time frame that all political elites agreed was too short to organize fair elections. In addition, the election of a new president did not guarantee any significant rupture with the former regime while remaining within the boundaries of the existing constitution and institutions.

The strong presidential system left the possibility open for a new personalization of power, which was unacceptable for the revolutionary aspirations of 'the people'. Besides, the president would still be dealing with a Chamber of Representatives and a Chamber of Councillors, both elected under Ben Ali's rule, and without any legitimacy.

Therefore the Front asked for the elections of a Constituent Assembly within a year and the dissolution of institutions linked to the former regime such as the RCD, the two chambers and the Higher Council for the Judiciary. As pressure on the government mounted, popular mobilization did not falter. On 23 January a 'caravan of liberty' arrived from Sidi Bouzid on the Kasbah square where the prime minister holds office.

Accusing the government of betraying the revolution, the demonstrators – who were mostly marginalized youngsters from the interior provinces – asked for its resignation and took over the demands of the Front of January 14th. Even though the demonstrators (dubbed Kasbah I) were violently removed, the RCD ministers, with the exception of the prime minister, were forced to resign on 28 January. The tension between governmental legality and revolutionary legitimacy could be defined as (political) instability. However, looked at from the

perspective of the revolutionary effort to radically change the regime, the high levels of collective mobilizations, the demand for fundamental change, the emergence of informal public political spaces and even the emergence of extra institutional movements, movements challenging institutions or 'the system' from outside (such as the informal Salafi groups beginning to organize themselves) and defying the status quo should be seen as a phase of extraordinary politics.

By giving in to some of the popular demands, Mohammed Ghannouchi tried to convince the population of his transition plan. He agreed to postpone the elections until July and to dissolve the two chambers. To ensure a free ballot Ghannouchi formed a technical commission (constituted of eminent jurists and independent experts) to prepare the necessary legislative texts. A striking fact is that the prime minister backed these decisions by some 'creative' interpretations of the constitution. As security in the country deteriorated, Ghannouchi claimed that there was an 'imminent danger to the State'.

This precluded the possibility for the president to organize elections and meant that his mandate should be extended. Because of this imminent danger, legislative powers had to be transferred from parliament to the interim president, who would rule by decree law, and the two chambers should dissolve themselves. However the scenario laid out by the government for a controlled transition was abandoned because of growing political pressure from even more popular mobilizations throughout the country, culminating in the Kasbah II episode. For the revolutionary opposition, the concessions made by the government were not far-reaching enough.

On 11 February a National Council for the Protection of the Revolution (Conseil National de protection de la revolution, CNPR) was created including the 'Front of January 14th', human rights organizations, the UGTT, the Islamists of Ennahdha as well as the Lawyers Bar Association. The CNPR demanded to be seen as the sole depository of popular sovereignty and it asked to be recognized by presidential

decree so that it could monitor the work of the transitional government.(Duncan Pickarda 2014)

The political crisis that engulfed Tunisia in the aftermath of the uprising has led to a fast-paced process of regime change whereby the old institutions and personnel were swept away and replaced with interim revolutionary ones charged with designing the map of the future. At the top of the list of priorities for the new Tunisia was the drafting of a new constitution to replace the one Tunisia had since independence and that was largely identified with authoritarianism.

The Council for the Implementation of the Objectives of the Revolution, a new institution composed of former opposition politicians, experts and members of civil society, agreed that the first step in this direction should be elections to a Constitutional Assembly that would have a double role: its members would draft a new constitution and, at the same time, they would have to form a parliamentary majority to govern the country.

The Assembly would remain in power for a year, draft a new constitutional text and be dissolved in order to proceed to new elections for the different offices that would have both revolutionary and constitutional legitimacy. In case the Assembly was not able to complete its work in 12 months, a few months' extension could be negotiated by the members of the Assembly. From this it emerges that the struggles between the different political parties, both new and old, operating in a democratizing Tunisia would be focused not only around issues of how best to govern, but it would be very much bound up with a constitutional text that needed to set in stone the rules of the game, the new institutions, the identity and the liberties that Tunisians would enjoy.

Furthermore, the Constitution is a text that is supposed to enshrine the values of the nation as well as its purpose. Thus, the political debate in Tunisia on the provisions of the new constitution is inextricably linked with the ongoing process of democratization. In this respect it is very clear that all political forces, including radical Salafists, participate in this vigorous

debate. It is therefore possible to discern what the different positions of the actors are and what kind of weight they can bring to bear, determining the type of relations that exist.

A. The Struggle after the Fall of Ben Ali and Replacement Leader

Tunisia's political transition proceeded in fits and starts following Ben 'Ali's abrupt departure, which left a political vacuum. Compared with Egypt, where the Supreme Council of the Armed Forces assumed power and clearly delineated a transition agenda and timetable, the process in Tunisia was more haphazard in the early stages, with no real central authority directing state affairs. In the first two months after the Revolution, Tunisia was governed by three different transitional governments. And months later, uncertainty remained over the mandate of the so-called High Commission for the Realization of Revolutionary Goals.

The High Commission, which oversaw the transition process through the first elections, was made up of representatives from opposition parties, trade unions, and civil society groups, as well as "independent" figures, many of whom had strong ties to the prior regime. Although the formal role of that body was consultative, it effectively operated as an unelected parliament. After the High Commission floated the idea of delaying the elections scheduled for July 2011 by several months, a delay ultimately decided upon because it was not technically feasible to hold the elections so soon, it became mired in debates over the scope of its remit. Parties represented in the High Commission were split on how quickly the transition process should move and what decisions should be deferred until a Constituent Assembly was elected.

Nevertheless, to its credit, the High Commission achieved a number of important milestones, including drafting a law governing the election of a Constituent Assembly that assumed legislative authority after the October election and, as of early 2012, writing a new constitution. The enormous

importance of the first vote, which determined who would write Tunisia's new constitution, initially led to an impasse. The two largest and best organized parties, and the most prominent official "opposition" parties in the Ben 'Ali era—An-Nahda and the Democratic Progressive Party (PDP)—wanted to get to a vote as quickly as possible and defer decisions to the Constituent Assembly, which they expected to lead. Lacking large political bases, other parties favored a slower process and an electoral system, such as proportional representation determined by the "greatest remainder" principle, that would hedge against large majorities. These parties also sought to broaden the work of the High Commission, a body within which they had much greater representation than they were likely to have in the Constituent Assembly.

Transitional political authorities moved very quickly to hold Ben 'Ali and his allies accountable for abuses of power. Just six months after the regime fell, Ben 'Ali and his wife were tried in absentia on graft and other charges, and trials of the couple's family members and of former ministers followed shortly after. As shown in Part III, the nature and timing of prosecutions aimed at seeking accountability for a prior regime's abuses vary considerably. By any measure, the process in Tunisia has moved with alacrity.

The prosecution of Ben 'Ali and his inner circle was complicated by a number of factors. The most important constraint was that the former president and his wife, Laila Trabelsi, fled to Saudi Arabia, which has refused Tunisia's request for extradition. The prospect of the deposed president and his wife living out their days abroad has led many Tunisians to conclude that justice will not be served. A second constraint was the need to satisfy the street's demand for swift prosecutions while providing the lead time needed to prepare a complicated case and satisfy expectations of due process. To balance these competing demands, prosecutors brought the case against Ben 'Ali piecemeal, obtaining a quick conviction on the misappropriation of state funds while delaying more

serious charges, including human rights abuses and use of violence against demonstrators, which could carry the death penalty.

The early trials of the ex-president were civilian proceedings, whereas the charges of using force against protestors will be heard by a military tribunal.

Dealing with the legacy of the RCD raises additional challenges for the new political authorities. Tunisia, like Egypt, dissolved the former ruling party, but fully uprooting it is likely to be more difficult in Tunisia, where the ruling party really was the state Tunisia controlled the security forces and not vice versa. The RCD also exercised a stranglehold on political life that exceeded the strength of the National Democratic Party's (NDP's) grip in Egypt. Although no political change can be realized if the RCD hovers over Tunisian politics, purging the party rank and file would leave the country bereft of capable public administration and risk further instability.

B. Economic Stabilization during the Process of Democratization and the Arab Spring in Tunisia

Tunisia was a high economic performer over the last decade. In terms of both GDP per capita and the annual rate of GDP growth, Tunisia consistently outpaced its neighbors. Moreover, in contrast with many other states in the region, including Egypt, that have a two-tiered economy of wealthy elites and a large mass of society living at or near the poverty line, Tunisia boasts a large middle class that enjoys levels of material well-being (such as car and home ownership) that a smaller group of elites enjoys in many of the poorer states in the region.

Tunisia's reputation as an economic success story is also based on the fact that Tunisia's growth derived from private sector development, the attraction of foreign direct investment, and, in general, a much closer adherence to the economic policies advocated by the West. It would be an

oversimplification to say that Tunisia adopted the Washington Consensus whole cloth. For example, the state maintained costly social welfare programs and the benefits of privatization were reduced by significant graft and corruption. However, in relative terms, Tunisia moved away from the statedriven approach to economic development pursued by others in the region. The country's embrace of private enterprise is best evidenced by the fact that public sector employment represents a smaller share of total employment than in any other state in the Middle East and North Africa (MENA).

However, this snapshot of Tunisia's economic performance masks serious challenges. One vexing and politically explosive issue is Tunisia's high unemployment rate among university-educated youth. Tunisia's own government statistics record a rise in unemployment among this segment of the population from 8.6 percent in 1999 to 19 percent in 2007. Unofficial statistics mirror this upward trend but paint an even graver picture, indicating figures twice as high as those derived from government data. The disconnect between the composition of the labor force and the types of jobs that are actually available contributed to the unrest that brought down the regime. It is no coincidence that the catalyst of the protest movement, Mohammed al-Bou'azizi, came from the group of university-educated youth forced into the informal economy in his case, selling produce out of a cart due to a lack of employment opportunities for those with higher education.

Another major shortcoming of Tunisia's economy is the wide regional disparity between living standards along the country's coastal strip and in the interior. Buoyed by tourism and public investment, economic development has been quite strong in coastal cities such as Tunis, Sousse, and Sfax. The interior regions of Tozeur, Jandouba, and Gafsa, among others, however, have stagnated, with levels of unemployment in the 25 percent to 40 percent range.

This disparity in living standards led to demonstrations in the years leading up to the January 14th Revolution. For

example, in early 2008, Gafsa was rocked by protests over deteriorating living conditions and allegations of cronyism in the allocation of jobs at the state owned phosphate company the major employer in the region. In addition to youth unemployment and regional disparities, growing personal indebtedness has squeezed Tunisia's middle class.

This development warrants attention because the carrying of private debt is a new phenomenon in Tunisia and one explanation for the anxiety felt by Tunisia's middle class in the years leading up to the January 14th Revolution. From 2003 to 2008, the number of Tunisians who relied on credit to finance purchases of furniture, cars, and homes increased 16-fold. Although expanded access to credit can be seen as a positive development, this reliance on credit was driven by the cost of living outstripping wages, with the middle class increasingly turning to loans to make up for the shortfall.

Economic conditions could remain a source of political restiveness in Tunisia unless the new government is able to promote the creation of private sector jobs for university graduates, improve the regional balance of living standards, and restore the economic confidence of Tunisia's middle class. Steps in these directions could bolster the democratization process.