

FINNISH INSTITUTE OF INTERNATIONAL AFFAIRS

SEMINAR: "ARAB SPRING: DEMOCRATIC SHIFT OR MORE OF THE SAME?"

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"Conflict and compromise in a democratic transition:
The case of Tunisia"

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Context

- Tunisia's "Jasmine Revolution" of January 14 2011 launched the Arab Spring
- Apparently positive economic development statistics hid wide regional disparities, social exclusion, and corruption within a personalized authoritarian regime
- Under popular pressure for a comprehensive transition, it was decided a National Constituent Assembly would be elected to draft a new Constitution drafted from scratch; the NCA initially planned to complete its work within 12 months.

Political developments and crisis

- October 2011 democratic elections resulted in the Islamic oriented Ennahdha party winning 37% of the popular vote and 89 of 217 seats in parliament; no other party won over 10% of the vote. A government was formed between Ennahdha and two smaller centre/centre-left parties
- A series of four drafts of the constitution were produced by the ANC in 2012 and 2013, the last in June 2013. Although there was broad agreement on most points and there had been nationwide organized dialogue sessions between citizens, civil society, and elected MPs, there was a sense of exclusion, a 'political deal'
- 2 political assassinations in February and July 2013 deepened crisis and mistrust, resulted in mass demonstrations opposition boycott of the NCA and suspension of constitutional work for the latter half of 2013; government, the NCA and at times the entire transition process was contested

Competing legitimacies and National Dialogue

- The political crisis of 2013 generated competing claims of legitimacy
- The governing Troika coalition based their claims on electoral legitimacy; their success in the October 2011 election;
- Demonstrators asserted popular legitimacy – they argued that the assassinations, non-respect of the 12 month limit for constitutional drafting, and government failure invalidated the government's electoral legitimacy; they also claimed that the primordial demands of the revolution were not being respected;
- The Quartet: the UGTT trade union, the employers association UTICA, the main human rights association and the lawyers association asserted their corporatist legitimacy; they established themselves as interlocutors in the political crisis and organized talks between political parties that continued indirectly and then directly for several months

The compromise – the Road Map and the constitutional debate

- *Eventually agreement was reached through 'The Road Map'; an agreement tying:*
- 1. Resignation of the Ennahdha-led government and its replacement by a government of technocrats,
- 2. Agreement on the formation of the electoral commission, and
- 3. Establishment of a Compromise Commission within the NCA to assure broad agreement on constitutional clauses before debate and adoption in plenary
- Opposition members returned to the NCA
- On January 3 2014 the NCA began debating the constitution clause by clause
- The NCA continued to fine-tune the constitution, in particular strengthening clauses protecting rights and freedoms

January 26 2014

Adoption of the constitution

The vote of 200 in favour, 12 opposed and 4 abstentions demonstrated the broad level of consensus achieved across diverse political factions



The new Tunisian constitution: a progressive and balanced document with strong human rights protections

- Strongly-worded commitments to the **rule of law and equality before the law, free elections, the separation and balance of powers, the open nature of Islam, freedom of association, pluralism, and respect for human rights** (preamble)
- **Freedom of conscience and belief** (art 6)
- A right to privacy (art 24)
- **Freedom of opinion, thought, expression, information and publication** (art 31) and of access to information (art 32)
- **Equality of opportunity for women**, including the protection of women's accrued rights, a duty of the State to work toward numerical equality in elected assemblies and to eradicate violence against women (art 46)
- **Freedom from discrimination** on the ground of disability (art 48)

Consensus, compromise, and inclusion

- In democratic development thinking and practice there is a great deal of emphasis on consensus. This draws perhaps from a Habermasian vision of an ideal speech situation and the attainment of a common viewpoint
- The Tunisian experience showed that dialogue was much more a struggle between perspectives – in which competing discourses were supplemented by mobilisation, exit and the threat of exit, than 'an ideal speech state'
- Nevertheless, the process, without being planned in advance, provided an opportunity within a peaceful context to forge a compromise between different world views – religious and secular, conservative and radical, Mediterranean and Arab, in which Tunisian citizens saw themselves reflected

Lessons learned and questions

- Democratic transition is as much about trust and relationship-building as it is about the details of specific constitutional documents
- Although electoral legitimacy is important there are other forms of legitimacy that compete / complement and which cannot be ignored
- The attempt to define the contours of dialogue in advance necessarily results in exclusion – processes need to be open and ready to acknowledge and engage actors as they present themselves
- Genuine dialogue provides voice to all, is iterative, and transforms the actors that participate in it (Freire)
- Dialogue cannot be considered as a power-free process – every agreement represents a temporary suturing of difference – Mouffe's view of agonistic democracy
- The success of the Tunisian constitutional process is only one step towards longterm stability – the country's challenges remain substantial– space and processes for dialogue must continually be reinvented

Next steps and challenges

- Legislative elections scheduled for October 26th 2014 and first round Presidential elections for November 23 2014 (Runoff if necessary December 28 2014), consistent with the calendar established in the transitional provisions of the Constitution
- The electoral registration and candidate nomination processes have proceeded normally
- The regional security situation; particularly that in adjoining Libya, as well as domestic extremism, remain of concern and could pose a risk to stability during and after the electoral campaign.
- The economic situation remains difficult, and the problems of regional and generational exclusion that were instrumental in fostering the revolution remain; unemployment at 15% remains above pre-revolution levels.
- The government continues to run a large current account deficit (6% OF GDP in 2013) and is under pressure from international creditors to reduce the deficit and embark on structural reforms of the large state sector. However this runs a risk to the stability of the Tunisian economic and social model built on a large, state-sector linked middle class and a relatively comprehensive welfare state

Thank you!

- *Please note that the comments in this presentation represent the views of the presenter and do not in any way engage UNDP or the United Nations
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