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Is Tunisia Really Democratising?

Progress, Resistance, and an Uncertain Outlook

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January 2019 marked the eighth anniversary of the end of the Ben Ali dictatorship – the celebrations however were marred by massive social protests. Opinions both in Tunisia and abroad differ about the state of Tunisia's political development as it gears up for its second parliamentary and presidential elections since the adoption of the new constitution in 2014. While some consider its democratisation to be virtually complete, others fear a relapse into autocracy. Despite its considerable democratic achievements, Tunisia is in danger of developing into a hybrid system: part democratic, part authoritarian. This is not only due to the difficult economic and regional context. Critically, the political, economic and administrative networks of the old system, as well as persistent authoritarian practices and "old" rhetoric in politics and society, complicate the deepening of its fragile democracy. Tunisia's international partners should make it their explicit objective to weaken these counter-currents.

Eight years after the end of the dictatorship, Tunisia is the only country that has democratised following the so-called Arab Spring. The Tunisian transition is even more remarkable as the regional security context and the profound economic crisis since 2011 have been anything but conducive to democratisation.

However, on the anniversary of the revolution in January 2019, the headlines in Tunisian and international media were dominated not by democratic achievements, but by massive social protests, a general strike and power struggles within the political elite. After almost four years, conflicts between its two largest parties, the secular *Nidaa Tounes* and the moderate Islamist *Ennahdha*, have thrown the governing coalition into a serious crisis. The main point of contention was the growing conflict in 2018 between President Béji Caid Essebsi and Prime Minister Youssef Chahed (then a member of *Nidaa Tounes*). Essebsi pushed for Chahed, whom he had originally nominated, to be replaced. For the sake of continuity and stability, however, *Ennahdha* insisted that the prime minister remain in office. In late January 2019, Chahed then founded his own political party, *Tahya Tounes*, to occupy the social and political centre. It seems likely that Chahed will run for the presidential elections in November 2019. The 92-year-old incumbent, Essebsi, may run again as well. Another candidate from the currently strongest party, *Ennahdha*, remains a possibility. If, as expected,

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Ennahdha again performs strongly in the October 2019 parliamentary elections, the party may get to play the role of king maker.

This politicking takes place against the background of an extremely tense economic situation. Tunisia relies on international credit to avert national bankruptcy. Donors, above all the International Monetary Fund, are demanding austerity measures and structural reforms. At the same time, the unions' powerful umbrella organisation, the *Union Générale Tunisienne du Travail* (UGTT), has mobilised massively against austerity measures. Chahed and the UGTT reached an agreement on wage increases in early February, but the stalemate between the government and the UGTT, which lasted for months and was accompanied by strikes, has aggravated the economic situation and further boosted the widespread socio-economic and political protests. It is likely that the struggle between the government and UGTT for economic reform and austerity measures will continue into the electoral campaigns.

To interpret these dynamics mainly as a result of novel democratic freedoms and political competition, however, would be short-sighted. They are also an expression of the difficulty of consolidating democratisation in Tunisia. Anti-democratic elite networks in politics, business and administration, entrenched authoritarian practices and an "old" rhetoric are still part of the country's political repertoire. Together, these have been driving factors in ensuring that it has not yet been possible to anchor the considerable post-2011 political achievements in such a way as to make them irreversible.

The Achievements

In principle, conditions for the consolidation of Tunisian democracy would appear excellent. Tunisia's constitution, adopted in 2014, is rightly regarded as a milestone in North Africa's political history, and the region's most progressive and democratic constitution. It explicitly limits the role of the military; guarantees equality between men and women; emphasises the independence of the judiciary; and creates the basis for decentralising political responsibility. Tunisia's constitution establishes a system in which executive power is shared between the prime minister elected by parliament and the directly elected president. This is meant to prevent a regular occurrence in the region: the concentration of political power in a single person. Last but not least, the constitution lays the foundation for the separation of politics and religion.

Alongside its content, the very drafting of the constitution was an important achievement in Tunisia's post-revolutionary development, earning some of its protagonists the 2015 Nobel Peace Prize. In 2013, civil society actors negotiated a compromise which was supported by almost the entire political spectrum, breaking a deadlock concerning the constitutional process following the assassination of two leftist politicians.

Since the adoption of its constitution, Tunisia has held parliamentary and presidential elections in 2014 and local elections in 2018. The organisation of the elections was conducted by the Independent Electoral Commission (*Instance Supérieure Indépendante pour les Elections*, ISIE) to international acclaim, as both the parties involved and international election observers recognised the elections as free and fair. Throughout these processes, Islamist as well as secular parties showed that they can adhere to the democratic rules of the game.

These positive developments have demonstrated the relevance of an active and rapidly developing civil society. Newly won civil rights allowed so-called "watchdog" organisations, such as *AlBawsala*, *I-Watch* or *Nawaat*, to help shape Tunisia's development as critical observers and opinion leaders — not least through campaigns on social media. It is particularly noteworthy that Tunisian civil society has the only officially recognised (albeit in March 2019 again contested) organisation

in North Africa, *Shams*, which is committed to the rights of the LGBTI community and calls for LGBTI people to be decriminalised.

Civil society was also instrumental in passing a 2017 law that protects whistleblowers who uncover corruption, and the establishment and support of the so-called Truth and Dignity Commission (*Instance de Vérité et Dignité*, IVD) to investigate human rights abuses in the country's authoritarian past. Its mandate expired in December 2018.

However, it is precisely with respect to the extremely sensitive issue of Tunisia's authoritarian legacy that the limits and deficiencies of the new Tunisian political structure have become apparent. A tug-of-war has developed between reform- and status-quo-orientated political actors around the IVD, its competences, its working methods and the potential extension of its mandate — with the latter too frequently retaining the upper hand.

The Limits of Democratisation

Difficulties in consolidating Tunisia's democratisation are most visible in the judiciary, the security sector and the fight against corruption.

The judiciary. Almost five years after the adoption of the new constitution, Tunisia still has no constitutional court — so far, only one of the twelve stipulated judges has been confirmed by parliament. This has serious consequences: the constitutionality of several laws passed in recent years has been controversial, as were the respective powers of the president and prime minister. Repeatedly, the country has found itself on the verge of a constitutional crisis. Beyond the Constitutional Court, further reforms of the judiciary are needed to ensure its independence and transparency — the broad jurisdiction and application of military authority, for example, remains highly problematic.

The security sector. Even more worrying is the situation in the security sector, particularly within the Ministry of the Interior. The overall capacities of Tunisia's security forces have improved in recent years, mainly as a result of extensive support from international partners. Nevertheless, fundamental internal reforms, especially of the police, have been delayed. The sector continues to a large extent to operate in a non-transparent, fragmented manner and with insufficient accountability or parliamentary supervision. The role of new, increasingly politically active, trade unions within the security sector, especially the police, is particularly worrying, as they have repeatedly and blatantly blackmailed the legislative and judicial branches (see p. 4). The frequent declaration of a state of emergency and the proliferation of anti-terror laws in cases where there is no obvious link to terrorism prevent greater transparency in the security apparatus and can undermine civil and human rights, including freedom of expression. In 2018, the blogger and parliamentarian Yassine Ayari was sentenced to prison for a Facebook entry, under the pretext of undermining army cohesion.

The economy. Thus far, the reform of the corrupt economic structures of the old system has also fallen short. Investigations were largely limited to the family of former President Ben Ali and to a few politically opportune and high-profile cases. Independent state institutions that combat corruption, such as the *Instance Nationale de la Lutte contre la Corruption*, remain without sufficient political support. The management of the extensive economic assets confiscated from the former dictator and his family has also proven difficult. Legal ambiguities, overlapping competences and a lack of resources and political will have led to corruption and mismanagement of these assets, alongside the rehabilitation of prominent figures from the so-called Ben Ali clan.

A law passed in 2017 was particularly controversial in this context, as it issued a general amnesty to senior officials accused of corruption under the Ben Ali regime. An earlier draft of this law, which would have extended the amnesty to the entire private sector, had failed as a result of massive protests from civil society. Nevertheless, it must be noted that initiatives to unbundle

the political from the economic sphere in Tunisia have not yet been successful. Thus, a central mechanism through which the Ben Ali regime was able to accumulate power and profit has still not been eliminated.

Counter-Currents to Democratisation

The facts set out above — that the judiciary cannot (yet) fully exercise its independent role, that no fundamental reforms have taken place in the security sector, and that corrupt economic elites of the old system remain largely unchallenged — are due to a number of counter-currents to democratisation that frequently infiltrate or block necessary reforms.

Networks

Old networks within the security sector, the economic elites and the administration are considerable disruptors for Tunisia's democratisation. They have acquired a quasi-veto power over various reform processes. An example of this are the police unions: in 2012, they temporarily prevented the dismissal of a Director General in the Ministry of the Interior, who was later convicted for the killing of demonstrators by the security forces in 2011. Since 2015, security sector unions have also been trying to force the legislature to adopt a particular law by protesting and threatening to stop providing security. Among other things, this law would ensure impunity for actors in the security sector even when they use lethal force to protect property.

These various networks are not aiming to restore the status quo ante. Rather, their primary motivation lies in safeguarding their own spoils and interests. These are more difficult to achieve in a consolidated democratic system with appropriate levels of transparency and accountability.

Old Networks in the Economy

Many Tunisians had hoped that democratisation would bring not only new political institutions, but also a more inclusive, fairer and less corrupt economic order. So far, these hopes have largely been disappointed. The family clan of former President Ben Ali, who had established a patronage economy through corruption and intimidation, has largely left the country. However, other politically and internationally well-connected economic elites remain active. Their political interest lies above all in defending privileges they have gained under the old regime. Moreover, they aim to avert reforms that could increase transparency and competition and thus lead to the emergence of new economic competitors. For decades, their influence has contributed to low tax revenues, a growing informal sector, and a non-transparent system of regulation that has placed a massive burden on the Tunisian economy. This form of strategic opacity is also one reason why parts of the economic elite, and in particular the service elite, are opposed to the comprehensive free trade agreement with the EU that the government is currently negotiating. Furthermore, these networks are also trying to prevent processes under which economic elites could be held accountable over their links to Ben Ali's regime — here too they have been extremely successful.

This is not least due to the considerable influence that these business networks are able to exert on public opinion. Although freedom of the press is anchored in the new constitution, the high concentration of media ownership in the hands of a few, sometimes politically ambitious, actors has prevented a diverse, professional and independent press landscape from developing. Consequently, the press and the classical audio-visual media (radio, TV) do not reflect the great diversity of the actual political landscape. In addition, there have been concerted and politically motivated media campaigns, for example against the IVD or against *Ennahdha*, which has few supporters in the described economic networks.

Last but not least, these networks have also benefited from the return of important cadres from Ben Ali's quasi-unified party *Rassemblement Constitutionnel Démocratique* (RCD), which was dissolved in 2011, to high positions in politics and administration. In fact, more than a fifth of the 43 ministers and under-secretaries of state of the Chahed government of 2017—18 had already served as ministers and/or RCD cadres during the Ben Ali period.

It is important to highlight that the various networks with connections to the old system do not form a common front. Rather, they are very diverse cliques whose interests overlap when it comes to fending off regulations and legislation for more transparency, accountability and investigations into their role under authoritarianism.

Practices

Among the counter-currents that impede the consolidation of Tunisia's democratisation are long-standing authoritarian reflexes and practices displayed by a wide range of actors beginning with the head of state and reaching far beyond the political sphere into society.

President Essebsi has repeatedly exceeded the powers and jurisdiction of his office. For instance, when Prime Minister Chahed organised a partial cabinet reshuffle at the end of 2018, Essebsi initially refused his approval on the grounds that he had not been consulted. The new constitution, however, does not provide for such consultation with regard to non-strategic ministries, as was the case here. Within this pattern fits Essebsi's repeated advocacy for moving to a straightforward presidential system.

Moreover, Essebsi frequently demonstrates little respect for democratic procedures within parties. A co-founder of *Nidaa* who left the party to become president, Essebsi has been trying for several years to make his son chairman of *Nidaa Tounes*, against considerable resistance within the party. After *Nidaa's* merger with the smaller UPL in 2018, the latter's head became secretary-general of *Nidaa* instead. In February 2019, however, he was sentenced in absentia to five years in prison for corruption.

Within many other parties, internal procedures are often only borderline democratic and disproportionately benefit well-entrenched individuals within the party. Frequently, personalities trump content.

The emphasis on charismatic leaders, known in the Maghreb as "zaïmisme", means that important decisions are often not negotiated in government and parliament, but agreed upon informally. This happened repeatedly between President Essebsi and the *Ennahdha's* president Rachid Ghannouchi, who in Tunisian jargon are revealingly known as "sheikhs".

Another practice that is particularly problematic for Tunisia's democratisation is the parties' widespread lack of financial transparency. According to a January 2019 statement by *I-Watch*, 96 percent of the over 200 Tunisian parties have so far refused to submit financial reports or statements. A draft law on reforming party financing has been awaiting adoption since late 2017.

The fact that this law has not yet been passed is in part due to the quest for 'consensus at all costs' — often perceived as the unofficial political doctrine of the Essebsi-Ghannouchi's partnership from 2014 to 2018. Thus, in the interest of maintaining consensus, *Ennahdha* has always been incentivised to tilt towards *Nidaa's* preferences. This explains why *Ennahdha* agreed to the law on amnesty for administrative cadres and the anti-terrorism law, even though both were highly controversial among the party's base. Paradoxically, the consensus principle has thereby also hindered the deepening of democracy. *Ennahdha* here acts on fears of renewed exclusion — during the Ben Ali period, the party was banned, and its members were persecuted. This concern increased with the military coup against the Muslim Brotherhood in Egypt in 2013, and is likely to ensure that *Ennahdha* continues to seek consensus.

Authoritarian reflexes are also at work outside politics, as the power structures of

the old regime were not limited to the formal political sphere. Highly hierarchical structures continue to exist within the administrative apparatus, but also in schools and universities. Here, too, overreach and the creation of informal power structures by well-networked individuals are also common in the absence of functioning institutional supervisory bodies.

All these practices reduce transparency, strengthen clientelist and personalised networks, and make it more difficult to anchor the new democratic 'rules of the game' in society.

Rhetoric

Another important factor that counteracts 'deep' democratisation in Tunisia is the rhetoric frequently used by Tunisian politicians at home and abroad to fend off key structural reforms.

When communicating with the population, many Tunisian decision-makers tend to systematically and disproportionately shift political responsibility and power onto foreign actors. The United Arab Emirates, France, the European Union, so-called "Islamic State" or the USA are thus commonly presented as the actors that are actually 'pulling the strings' in domestic political disputes. Often occult networks are also evoked, made up of local actors that are 'lacking patriotism'. This not only fuels the widespread tendency towards conspiracy theories in both the media and the general population, but also allows political elites to discredit foreign media that report critically, as well as independent Tunisian media professionals and non-governmental organisations that 'sully Tunisia's image'. This kind of rhetoric obscures the role of democratically elected institutions in the practice of politics and suggests that these institutions are of little political relevance.

Furthermore, it has been striking how frequently leading Tunisian politicians and Tunisian media since 2018 have referred to regular political processes that go against their interests 'coup attempts'. Accompanied by repeated talk of thwarted coups by external actors, this systematically generates a discourse that blurs the boundaries between democratic and undemocratic action. Worse yet, it creates an atmosphere that justifies radical political measures. This kind of rhetoric is particularly worth noting as it is closely connected to Tunisia's political history: the coup that brought Ben Ali to power in 1987 was also often justified as preventing a competing coup attempt by Islamists.

Old rhetorical patterns can also be found in the image that Tunisia seeks to convey to an international audience in recent years. In Ben Ali's day, Tunisian officials tried to sell the 'Singapore model', i.e. to present Tunisia as an authoritarian, but well-functioning, well-governed and economically successful country. In the immediate years after 2011, the discourse was dominated by the 'model democracy' that had slipped into an economic crisis due to the mistakes of the Ben Ali regime and the turbulence of the revolution. For some years now, however, the discourse has changed again. Actors who once held high positions in the Ben Ali era and have returned to hold official posts are not the only ones to present 2011 as a contretemps of history, claiming that the upheaval caused the country's economic, security and governance problems. In romantic depictions of the Ben Ali years, democratic successes since 2011 are rarely mentioned; instead, the country is presented as needing to get back on the track from which it deviated in 2011. It is worth noting that some of these discourses are also adopted by foreign partners whose focus has shifted from democratising to stabilising Tunisia.

What unites old rhetorical patterns at home and abroad is that they treat Tunisia's political development and its economy and security situation as separate issues. Economic and security challenges are attributed to external actors and presented as a burden on the political reform process. This is then used to justify the delay and postponement of reforms, often with reference to failed democratisation processes in Algeria or Libya. This rhetorical separation

deliberately conceals the links and networked relationships between business, security and politics — the very space in which the power base of anti-democratic networks is located.

The cumulative effect of this rhetoric, authoritarian practices and obvious machinations by anti-democratic networks is an increase of the social, economic and political costs of transition. One of its results is the population's declining confidence in the capacity of democratic processes to create order and social justice. For example, only 33.7 percent of registered voters took part in the first free local elections in Tunisia's history in the spring of 2018. A survey conducted by the Friedrich-Ebert-Stiftung in 2016 showed significantly lower confidence in parliament than in the army or police — this is unlikely to have changed much since then. Parliament is not only under-equipped and over-burdened with the large number of new laws generated by the transition, but power struggles within the governing coalition also have a negative impact on the speed and quality of parliamentary processes and debates.

Simply Déjà-Vu?

Tunisia's history shows that democratisation is by no means sure to deepen and succeed automatically. In the late 1980s, shortly after Ben Ali took power, there was already a brief period of optimism among international observers. They particularly praised elections involving several parties, formal commitments to human rights and social justice, and the use of the consensus principle. "The honesty and devotion of Bourguiba's successor have brightened the mood in Tunisia," wrote American political scientist Mark Tessler in 1990, stating that the country had "made significant progress in its quest for democracy".

Progress was soon followed by regression and the Ben Ali dictatorship. Nevertheless, history is unlikely to repeat itself here. The current struggle between democratically-minded and status-quo actors cannot be compared with the early Ben Ali period. The formal political framework is different — Tunisia's strong civil society, which has been operating in great freedom for more than eight years now, has no historical equivalent. In early 2019, the *AlBawsala* organisation was able to sue the president for abuse of power and a breach of the constitution — without fear of the consequences. The outcome of these legal proceedings is still open.

As a result, in early 2019 there is little reason to believe that the old system will be re-established. But neither is the consolidation of democracy realistic unless the described counter-currents abate — which does not appear to be happening. For the foreseeable future, this raises the prospect of a hybrid system in which democratic elements and processes are muddled with authoritarian reflexes and sometimes anti-democratic measures.

Recommendations for External Actors

Against this backdrop, Tunisia's German and European partners and the international donor community have an interest in curbing the counter-currents described above.

To prevent Tunisia from getting mired in a hybrid system, the following measures are therefore desirable:

- Continue to set political priorities, even if the discourse increasingly focuses on the economic and security situation. This should include the independence of the judiciary and administrative reforms.
- Help defend the freedom to operate for watchdog organisations, journalists and civil-society associations.
- Promote diversity within civil society and above all in the press, and counter public-opinion monopolies by supporting platforms for critical and minority voices.
- In both political and economic cooperation, insist on official channels, rule-based work, and transparency.
- Critically examine the role of individual actors, organisations or state bodies (in-

cluding partners of German foundations) in Tunisia's political development and openly address problematic networks, practices and rhetoric.
- Appeal to political leaders' sense of responsibility and ask for reliable evidence when they make serious accusations, for example of attempted coups.

Conversely, it would be advisable for Tunisia's international partners to avoid the following in the interests of greater democratisation:
- Rely on non-transparent networks, including for economic or political cooperation, even if they promise short-term advantages.
- Describe and treat Tunisia's democratisation as successfully completed.
- Adopt the prevailing rhetoric uncritically.
- Make unrealistic comparisons for drama or embellishment — comparisons to Libya and Syria, or to European model democracies are not an appropriate yardstick.

Democratic transitions take time. It was unrealistic to expect that Tunisia could be a consolidated democracy eight years after the revolution. In this respect, the outcome of this assessment — that the country is tending towards a hybrid system — is not necessarily a bad one. The crucial point here is that such a hybrid system would probably not be able to carry out the key reforms which both the international community and the Tunisian population expect. Reforming the state apparatus and highly corrupt economic structures is imperative to ensure sustainable social and political stability in Tunisia. Preventing hybrid political structures from becoming entrenched is therefore of critical importance.

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