

➤ The Tunisian Transition: The Evolving Face of the Second Republic

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The swift victory of moderate Islamists at the first free elections in the historically secular Tunisia left a bitter taste for the losers. After three interim governments and amid a vast on-going legal and institutional reform process, Tunisia can be considered as a positive example of a non-violent and functional transitional phase from dictatorship towards democracy. Although peaceful, the Tunisian transition is characterised by a fierce debate between the secular ('leftist' to its opponents) and the religious camps (satirically dubbed the Long Bearded by the secular discourse). This unfolding confrontation forms the backdrop to the process of drafting a new constitution, amid anxiety surrounding the place of Islam in the new political system. However, fears of the resurrection of a new theocratic dictatorship are mitigated by a dynamic civil society in which voices that were silenced or misused by the former regime of Zine al-Abidine Ben Ali are becoming distinctly vocal. Yet despite the role of religion in society dominating discussion both in Tunisia and internationally, for all sides in the debate it will be the economic recovery that forms the major challenge of the post-Ben Ali era.

THE JASMINE REVOLUTION ONE YEAR ON

Three interim governments have held office since the departure of Ben Ali, with each facing angry demonstrations calling for a total departure from the old regime. The election of a National Constituent Assembly tasked with reforming Tunisia's constitution was delayed from July to October 2011, with the need for more time cited in order to prepare for a 'credible vote'. The implicit logic behind this delay was the fear of an overwhelming victory for Islamists in early elections, and indeed the Islamist Ennahda party secured 40 per cent of the vote, winning 90 seats in the 217-member parliament. This victory is continuously downplayed by secular parties, which describe it as not reflective of Tunisian society, on the basis of the relatively disappointing 50 percent turnout and the Ennahda's inability to secure an absolute majority.

Following the overthrow of the Ben Ali regime, Tunisia embarked upon a complex reform process led by consultative bodies formed of technocrats and well-known Tunisian figures. This process began with the constitution of the 'High Council for the Realisation of the Goals of the Revolution, Political Reforms, and Democratic Transition', tasked with reforming the Tunisian State through a process of legislative change. Under this remit, different committees were formed to tackle diverse reforms. An Electoral Commission with an independent statute set the practical framework for elections with great efficiency, implementing provisions such as the parity of men and women as candidates, a proportional voting system and the prohibition of certain candidates with ties to the old regime. The parity between men and women led to the election of 49 women in the Constituent Assembly, most of them from the Ennahda party.

The aftermath of the Ben Ali era witnessed the legalisation of more than 106 political parties, most of them unknown to the Tunisian voters, with the media and political spheres opened up to the previously outlawed opposition. The general amnesty law for political prisoners allowed the release of more than 500 political prisoners, most of whom were facing charges under counterterrorism laws. New decree-laws on associations and political parties eliminate important restrictions on political activity, including the crime of 'membership in' or 'providing services to' an unrecognised organisation, a provision that had been used to imprison thousands of opposition party activists. At the same time, an article was abrogated that had stated that a party may not base its principles, activities or programmes on a religion, language, race, sex or region; a provision that had been aimed at restricting the access of Islamists to the political sphere.

The media sector was one of the major objects of reform as Tunisia had previously operated one of the most repressive media systems in the Arab world in terms of both freedom of expression and political independence. A new press code eliminated prison terms for nearly all speech offences except incitement to robbery and racial or religious hatred. The draft code preserves defamation as a criminal offence, although it replaces prison terms with fines. It also retains the offence of distributing 'false information', a concept that the Ben Ali government used to prosecute numerous dissidents and human rights activists. Yet the most problematic element of the new code surrounds criminal restrictions on content which were frequently used under the former regime to oppress journalists. The arrest of Nasreddine Ben Saida, the publisher of the Arabic-language daily *Attounissia*, as well as the newspaper's editor and one of its journalists, for printing a photo of a German-Tunisian football player embracing a naked model on the front-page sparked an outrage in the media community.

THE NEW POLITICAL ARENA

The results achieved by the moderate Islamist Ennahda party exceeded both expectations and fears. The party led by Rachid Ghannouchi, who returned to Tunisia in January 2011 following the interim government's announcement of a general amnesty, was granted legal status as a political party in March. Initially formed as the Islamic Tendency Movement (MTI) in 1981, the party's relationship with the regime deteriorated dramatically, leading to the imprisonment of most of its senior figures. The surprising popular support the party secured in the 1989 parliamentary elections – despite its members running as independent candidates – precipitated a harsh crackdown by the regime that culminated in Ben Ali accusing Ennahda of orchestrating an attack on a ruling party office in 1991. Tunisian military courts subsequently convicted 265 of the party's members on charges of planning a coup.

The results of the first free elections in the post-Ben Ali era confirmed Ennahda's popularity. The party capitalised upon its long-running grassroots policies as well as its organisational ability to run a successful electoral campaign, in contrast to its inexperienced, divided and mostly unknown opponents. As the *Economist* noted, Ennahda's 'identification with working-class authenticity in contrast to Tunisia's traditional Francophone elite' was crucial to its success.

However, this is far from a comfortable victory. Ennahda's cohabitation with two political parties – the Congress for the Republic (30 seats) and Ettakatol party (21 seats) – of secular background is a challenge in itself. Moreover, the Islamist party is coming under tight scrutiny, with secular groups regaining their voice following their humiliating electoral defeat. A new secular coalition was recently announced that brings together two leftist parties (Attajdid and Renewal) with the Tunisian labour party and some independent candidates, yet without a clear program or popular base. The constituent assembly led by the tri-partite coalition is embarking on the difficult challenge of drafting Tunisia's new constitution. In terms of the model for the new political system, Ennahda, the largest single party, is advocating a parliamentary system along the lines of the UK, in which the Prime Minister would be appointed by the party securing the largest number of seats in Parliament.

For the fragmented secularists, united in support of a mixte system copying France, this would deprive minority parties of the opportunity to form a majority coalition and therefore lead the government.

Alongside these divisions over democratic models, the main debate is centred on how Islam law or values will be understood within the new political system. While the place of Islam was always recognised in the Tunisian constitution implemented by President Bourguiba in 1959, it was expressed in an ambiguous way, which served to facilitate its marginalisation. The first article of the old constitution stipulates that 'Tunisia is a free, independent and sovereign, its religion is Islam, its language Arabic and its regime a republic'. However, does this mean that Islam is the religion of the Tunisian society or that of the State itself? This confusion is best reflected by the divide between two Tunisiyas: the traditional Tunisia of conservative Islam and the Francophile Tunisia inspired by the secular colonial regime and from which the new Tunisian technocrats are drawn.

Views about the implementation of Sharia law range between direct calls for Sharia as the main source of legislation and proposals to discuss the constitution in the Arab-Islamic heritage of Tunisia. Ennahda finally stepped into the ongoing struggle between the two camps by declaring that it will not back calls by ultra-conservatives to impose Sharia as the main source of legislation in the new constitution, instead retaining the first article of the old constitution. The leader of the party Rached Ghannouchi explained the decision in terms of giving priority to preserving the unity of Tunisian society and an understanding of the Constitution as the fruit of broad consensus. This stance simultaneously angered Salafi, who considered it treason to Ennahda's religious commitments, and failed to allay the concerns of secularists, who remain sceptical of the nature of the long-term project of the Islamists.

Ennahda's decision to renounce Sharia came after the leader of the party for the first time admitted the difference between secularism and atheism, thereby legitimating the role of secular parties in Tunisian politics. The Ennahda leader had tried on several occasions to appease fears that a radical version of Sharia could be embedded in the new

constitution, giving assurances to Reuters that there will be no religion in Tunisia's planned changes to the constitution, and that the party will instead focus on democracy, human rights and a free-market economy.

Nevertheless, the support of the radical Islamist Salafi in the coming crucial parliamentary and presidential elections is highly precious for Ennahda. It is not clear how this small vocal group voted in the October 2011 elections, given the ambiguous relationship between the radical movement and Ennahda, considered by some Salafi as no less secular than the secular camp. Up to now, Ennahda leaders have adopted a conciliatory tone in addressing their violent actions, sometimes acting as an intermediary between the Salafi and their opponents to diffuse tensions. While avoiding tough action against the radical and mostly youth movement, Ennahda is not hiding its effort to provide them with a 'framework'. In statements to the press, Ourimi Ajmi, a member of the executive bureau of Ennahda, has confirmed the existence of a dialogue between the youth of Ennahda and that of Salafi, claiming that his party would represent 'a good school' for integrating young Salafi into the democratic norms of peaceful political engagement. In his latest statement, Rached Ghannouchi has remained conciliatory, characterising Salafi violence as 'a reaction to the oppression' they experienced under the former regime, and calling them 'our sons'. Talking to *Le Monde*, Ghannouchi confirmed his willingness to bring Salafi under the umbrella of moderate Islam, and raised the possibility of starting negotiations with their sheikhs.

RELIGION VERSUS SECULARISM

The divide over the role of religion in the new state was reflected in the commemoration of the first anniversary of the revolution when two separate crowds clashed in the streets, with the secular camp claiming the revolution had been hijacked by Islamists. Social media is the platform for the contest between the two camps, which use Facebook to spread accusations, rumours and libel. However, this struggle has frequently escaped cyber-space, with continuous clashes between Salafi groups and secularist demonstrators led mainly by the Tunisian union of labour, which is becoming the most vocal critic of the government's policies.

The phobia of an Islamist state exhibited by the secular camp manifests itself in conspiratorial notions of secret plots aimed at the radicalisation of the country, and in which a hidden Qatari and Saudi role is overwhelmingly identified. The victory of Ennahda is not in itself a source of anxiety so much as what is perceived as a lax position towards the rise of radical Salafi groups. For Ennahda's opponents, there is an implicit alliance between the two Islamist parties, allowing the empowerment of radical voices while the moderate governing party is appeasing international fears by adopting a low-profile discourse. Unconfirmed reports suggest Salafi control more than 500 mosques and religious schools, spreading a radical interpretation of Islam that challenges the authority of formal religious institutions and of Ennahda itself. In one instance, the town of Sejane, north-west of Tunis, was briefly declared an 'Islamic emirate' when around 200 Salafists took control and enforced the Islamic Sharia in its most radical interpretations.

The continuous arm wrestling between Salafi and secularists over allowing veiled women into academic campuses is putting Ennahda in an embarrassing situation of having to avoid criticising both of the two opposing parties directly. The wearing of the niqab became a notable feature of Tunisian society after the Jasmine revolution. In 1981, President Bourguiba ratified a law banning women from wearing the hijab in state offices, and Ben Ali's government in the 1980s and 1990s issued more restrictive enactments, including the notorious 102 law, which considers the hijab a 'sign of extremism' and banned it. The increasingly heated debate over niqab-wearing in public institutions is seen by some as a deviation from the crucial issue of drafting the new constitution. Ennahda is attempting to maintain a low profile and avoid direct involvement, arguing that while the movement does not encourage women to wear the niqab, they support the principle of the freedom of the individual who chooses to wear it.

Preserving the rights gained under the secular state, particularly with regard to the personal status law, is another important struggle. Tunisia is considered the most advanced in the Arab world in terms of granting equal rights and status for women and men. Anxiety is mounting over the possibility of amendments to

Tunisia's code of secular protections should Sharia be adopted as a basis of the new constitution, but Ennahda continues to try to allay these fears, with senior officials being quoted as saying that 'Ennahda is attached to the gains of the modern state and the rules established by the (code)'. The party previously supported the Code of Personal Status introduced in 1956 that abolished polygamy and repudiation instead of formal divorce. It is important to note again that Ennahda confirmed its will not to impose Sharia as a main source for legislation in the new constitution.

OVERCOMING THE LEGACY OF THE BEN-ALI ERA

The reconciliation between the two clearly divided Tunisian societies and its ramifications will require a consensus about the place of religion and the political representation of different groups. However, the Ennahda-led coalition will ultimately be judged upon its ability to lead the country towards its recovery amid a deteriorated socio-economic condition.

Tunisia has cut its economic growth forecast for this year to 3.5 percent, down from a previous forecast of 4.5 percent, primarily as a result of the decline in foreign investment and tourism following the revolution. According to figures of the National Institute of Statistics (INS), unemployment in the country reached 18.9 percent between the 2nd and 4th quarter in 2011, a period during which the number of unemployed rose to 738,400, of which 60 percent are women. The continuous popular protest organized by the secular camp and led by the unions is widely considered to be an obstacle to the resumption of economic activity. The government has warned that the unions risk aggravating the economic situation, and are keenly aware that the continuing protests may cut into Islamist electoral success. According to the government, Tunisia's Phosphate Mine and Chemical Group has lost up to 1.2 billion dinars (around \$790 million), with the prime minister Hamadi Jbali blaming strikes and protests which have blocked critical access roads leading in and out of Tunisia's marginalized interior regions. The tourism industry, Tunisia's biggest source of foreign currency, remains depressed. Foreign tourist numbers in 2011 were down by about 2 million to 4.4 million.

Earnings from tourism fell to 2.1 billion dinars (\$1.4 billion) last year from 3.2 billion dinars (\$2.1 billion) in 2010. 170 foreign enterprises have shut down their operations since 2010, although 3000 foreign firms continue to operate in the country.

Ennahda's economic strategy, focused on regenerating impoverished regions, is not achieving its targets, and as a result these areas are becoming the main reservoir of socio-economic dissent. For instance, in Gafsa, west central Tunisia, a large number of young unemployed people blocked the carriage of phosphate destined for export. Protests demanding jobs and dignity have disrupted also the towns of Ghar Dimaou, Beja, Jendouba, Kairouan, Nabeul, Tataouine and Gafsa. In Sidi Makhlouf, 350km south of Tunis, protesters detained the provincial governor for several hours to press their demands for jobs.

The tendency of the new government to focus on financial aid has been severely criticized as an inefficient means of reviving the economy and correcting the legacy of decades of entrenched corruption. It is also viewed by the secular camp as a threat to Tunisia's integrity, with the close relationship between the new government and the emirate of Qatar fuelling accusations that Tunisia is becoming a puppet of the wealthy Gulf state.

Whilst the economic situation remains key, the heavy legacy of the old dictatorship leaves several other challenges that are still to be met by the provisional government. In June 2011, Ben Ali and his wife were convicted in absentia of theft and unlawful possession of cash and jewellery. They were sentenced to 35 years in prison and given a \$65 million fine. Although the former ruling party has been dismantled, there is a solid institutional structure that is still in control of administrative institutions. Not much has been done in implementing transitional justice, which remains a major challenge for the post-Ben Ali phase. The fact finding commission that was formed directly after the revolution to investigate the corruption under the former regime reported more than 10,000 submissions, over half of which were investigated and some 320 files were transferred to the public prosecutor, although according to its final report many of the important files require more time and effort to be investigated.

However, the activity of the commission ended with the death of its president, and there remains a firm belief among secularists that the Ennahda party is not really working for the 'purification' of public institutions from Ben Ali technocrats. At the same time, it is in the best interests of the new administration to try and bring on board these experienced civil servants in order to assert its control over public administration.

Success in organising trustworthy elections is not sufficient to lay solid foundations for the democratic Tunisian Republic. Tunisia needs to bring about a radical change of practice that will prevent the development of new client networks serving new rulers but following the corrupt model of Ben Ali's regime. There are fears that new networks will be nurtured by the Ennahda party in its bid to assert control over the State. Tunisians are prone to repeat that the autocratic regime did not flee the country in the same plane that took Ben Ali and his wife away to Saudi Arabia. That system is deeply entrenched in Tunisian public administration, where a culture of privilege still flourishes. There are few signs that the new ruling elite is departing from these practices.

As for the secular camp, its failure to bring together efforts to counter the Islamists' rise during the elections of the Constituent Assembly has apparently not acted as a wake-up call. The political negativity of the secularists, who in the absence of a clear programme for the transition are united only by their criticism of Ennahda, is in itself an indicator of a possible failure in the coming general elections. The continuous focus on relatively trivial battles such as niqab wearing for women or Salafi violence is a distraction from the main issue of preserving the gains of the secular Republic while regaining the trust of the Tunisian public. The much-needed reconciliation between the two divided Tunisian societies, Islamist and secular, requires a recognition of each camp by the other. This cannot be achieved without a serious and exhaustive revision of the legacy of the Ben Ali regime. ■