

The Political Regime in Tunisia at a Crossroads

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Three weeks before the eruption of the “jasmine revolution” in Tunisia, ARI had asked M. Salah Eddin Jorshi, the well-known Tunisian researcher, to write a policy brief describing the evolution of the political system in Tunisia and his vision of a possible transition towards democracy. While transformation was not the scenario he or others foresaw, this sober analysis provides a valuable account of the internal and external factors that made of Tunisia a serious candidate for a stable democracy.

I was asked to answer the following question: “In Tunisia, what opportunities are there to open up a path to democratic practice that could raise the prospects of a rotation of power?” It is a question that has been raised with some urgency in recent times by those with an interest in Tunisian affairs, and one that also preoccupies many Tunisians, particularly the political elite.

The Arab world: Between dynamism and democratic deficit

No one who takes a close look at the political and social map of the Arab world can deny that over the years the region has witnessed shifts towards reform,, because of demands in that direction. The response may have been limited, slow, and vary from country to country, but the landscape today is certainly different from that of twenty years ago.

What has taken place in Morocco since the “rotation government” experiment, headed by politician and legal expert Abdul Rahman Al-Yousefi, has altered many facts in the country, which lived through a prolonged

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period of troubles during the reign of King Hassan II, known as the “Years of Lead”. And there has been no precedent for what is happening in Egypt today, despite all the criticism levelled at the regime by the opposition, since the Free Officers took power in 1952.

Even Saudi Arabia, generally described as an extremely conservative country in every respect, is witness to an internal dynamic that is growing daily and gradually permeating the different groups, classes and institutions within society, and will undoubtedly have significant and profound ramifications in the future. Indeed, no one should underestimate the enormous impact of any fundamental change that takes place in Saudi Arabia on the entire Arab region, and primarily neighbouring countries.

However, despite the importance of these slow-moving variables, serious doubts continue to be raised among the elite and observers alike whenever the issue of the future of democratic reform in the Arab countries is broached.

It is as if this dynamic has a ceiling that cannot be broken through, and no sooner do the forces of change draw close to it than hidden obstacles drive them back, rendering the prospect of the peaceful transfer of power unlikely in the foreseeable future. The extremely pessimistic go as far as to argue that the Arab region appears to be inoculated against democracy, at least during the current historical era, for which they cannot set an upper time limit. Even the democracy of Lebanon – a country usually admired by Arab democrats – is called into question by Lebanese democrats, with Selim al-Hoss describing it as “a country that has a lot of freedom but little democracy”.

And since there is still no country in the Arab world that can be counted among the world’s democratic states, it is necessary to seek out the root causes of why the Arab region is subject to the logic of the exception in several areas, first and foremost in acquiring the elements of stable and lasting democracy. It is striking that in Arab states the accumulation of freedoms does not produce democracy or democratic transition, but at most a temporary and fragile political openness.

Tunisia: A model case for democratic experiment

Tunisia does not lie far from this regional climate, though demands for political reform have been made in the country since the 1970s, and intensified during the 1980s. And if the ceiling of freedom in Tunisia is low relative to other Arab countries, what sets it apart is that a number of conditions exist that qualify the country, at least in theory, to establish a “model” democracy in the region.

These conditions include, in brief:

- **The long history of the reformist movement within the Tunisian elite.** Calls for reform in Tunisia date back to the first third of the 19th century. With the arrival on the scene of Kheireddine al-Tunisi, the reformist trend evolved into an attempt to formulate a political programme with intellectual foundations, and an effort to frame the historical era. Such endeavours continued during the national struggle against colonialism, which took a variety of forms, including on the cultural front. Despite the ongoing controversy over how the Bourguiba era should be evaluated, what is clear is that Tunisia subsequently became engaged in a modernist project that altered many of its traditional structural features, turning

it into a country with aspirations to integrate into the modern world. There is near-total agreement that Bourguiba established a modern state that was influenced by the European model, but was not democratic in its system of government.

- **The presence of an extensive middle class.** Tunisia seemed to enjoy a remarkable degree of social and political stability. That was the conviction shared by international aid agencies and the majority of press reports conducted about Tunisia throughout the past 15 years. All this did not, however, mean that Tunisia was devoid of strife and conflicts of interest, or social injustice and the unfair distribution of national wealth. Credit for this outward stability goes not only to the country's security policy – which has been expanded tremendously since Ben Ali took over after having plotted a coup on 7 November 1987, which restricted considerably freedoms – but also to the existence of a middle class that was founded in stages, as well as to historical and political factors. Although the structural shifts the Tunisian economy has undergone since the early 1970s have clearly had an impact on the fabric of the middle class and undermined many of its earlier gains, none of this has prevented it from continuing to develop and expand over the course of the past twenty years. The Tunisian middle class is still a major factor in the stability of the regime, the state and society, and its presence is an important precondition of peaceful and smooth democratic transition.
- **Significant progress in the field of women's rights.** Women in Tunisia

enjoy good legal and social conditions relative to women in most Arab and Muslim states thanks to the Code of Personal Status, issued a few months after the country gained independence. Women are well represented in the various areas of social, economic and political activity, albeit that quantity has come at the expense of quality, and the gains that women in Tunisia have made continue to be used in various contexts by the regime for window dressing. Nevertheless, the experiences that Tunisian women have acquired make them important pioneers of broad and effective democratic participation, if they are given the right climate and allowed to exercise their political rights freely.

- **A cautious, liberal economic policy.** In its economic policy the Tunisian government abides by the directives of the World Bank. After the acute social upheavals to which the former regime was subjected during the 1970s and 1980s, the government has come to avoid taking risks or any hasty steps. This approach is what has helped it to control society and avoid major upheavals similar to those that took place during the presidency of Bourguiba in the 1980s (26 January 1978 and the 'bread intifada' on 3 January 1984). This outward stability did not manage to hide the huge differences and inequalities between the coastal strip and inland cities. These inequalities started to foment certain tensions; particularly in recent years (for example the events of the mining basin that lasted for more than six months during which all repression instruments were not able to stop it and the popular movements in the Ben Gardane region in 2010). Tunisia is also regarded as one of the few Arab states to

have taken important strides towards achieving the UN's Millennium Development Goals. Tunisia has a comparatively strong technical and managerial elite, which accounts for the trust placed by international institutions in the country's ability to institute an active market economy, which is the other condition upheld by liberals, one they see as inherent to any democratic structure.

- **The absence of external threats to the country's security and sovereignty.** Tunisia is a small country of limited natural resources. Since its establishment as an independent state it has chosen to follow a policy of openness towards its neighbours and its regional and international environments. Despite various quarrels with some of the region's states, the Tunisian regime has consistently sought to maintain good relations with all countries in the Arab Maghreb, and to play a role in alleviating disputes that may have an adverse effect on the country's stability. Tunisia and the Tunisian regime enjoy the political and economic support of numerous Western countries, first and foremost France, the United States and a majority of European Union member states. This external safety belt is another contributing factor to the achievement of deep, structural political reform, a goal that has been encouraged by these states, allies of Tunisia and friends of its regime. Article 2 of the Partnership Agreement that Tunisia signed with the EU in the early 1990s places special importance on political reform and respect for freedoms. The latter are also regarded as a condition for Tunisia to obtain the status of Advanced Partner with the EU. In addition, numerous statements issued by senior US officials on various

occasions have included some criticism for the regime regarding freedoms and encouraged the Tunisian regime to take concrete steps towards political reform.

- **A regime which seems strong, despite its many cracks.** Weak regimes are generally afraid to embark on political reforms that could be used against them by the opposition and stand to further weaken them, something that is not the case in Tunisia. Observers are almost unanimous that, for historical and other internal reasons, the regime in Tunisia has remarkable strength, both in terms of its solid internal structure and the fact that its reach extends to various social classes. The regime owed its strength to the central role of security services in the public sphere at the expense of other State institutions including even the ruling party. Moreover, the regime sought to win the loyalty and the sympathy of the most disadvantaged groups through some economic measures. Despite all these efforts, the social inequalities remained huge, which was an indicator of the likelihood of future social upheavals similar to the 'bread intifada' in 1984. This explains the regime's occasional failure to contain social tensions among some disadvantaged groups.

A monopoly on authority and decision-making

Paradoxically, rather than helping to accelerate the process of democratic transition in Tunisia, the aforementioned factors and others have instead made the regime increasingly conservative. They have led the regime to expand the mechanisms of monopoly, and its political thinking is dominated by a belief that it is capable of continuing to administer public affairs

single-handedly, in the present and future. It therefore rejects any form of involvement by others in power or decision-making. In this respect it has been encouraged by the weakness of the trade union movement, which at certain points in the past played the role of a parallel force that balanced out the ruling party's tendency to monopolise policy-making, as well as by the structural crisis that has engulfed the students' movement for years.

However, as the constitutional justifications for extending President Ben Ali's presidency run out, questions have begun to be raised over the future of the regime. Theoretically, the 2009 round of elections will be his last, given the section in the Constitution that sets a maximum age of seventy-five for a presidential candidate. However, there are indications that the President intends to run for a further term. Some opposition parties and other actors have expressed their fears that the regime aims to institute a "presidency for life". Some have demanded the launch of a "comprehensive and responsible national dialogue designed to find an institutional solution to the question of the transfer of power, and raise the prospects of political reform."¹

A clear mechanism for the transfer of power within the Constitution

The Constitution of Tunisia addresses the question of transfer of power. Despite the criticisms levelled at the Constitution by some opposition parties – due to the many politically-motivated amendments that were added to it – it does not provide for a life-long presidency, either explicitly or implicitly. This gross political error was committed during the presidency of

Bourguiba, and almost brought real disaster upon the regime and the country. After assuming power, President Ben Ali swiftly rectified this mistake by annulling the section that had almost driven the country into uncharted territory. Section 57² of the Constitution defines how power is to be transferred, "Should the office of President of the Republic become vacant because of death, resignation, or absolute disability." In such case it sets forth the following mechanism: "the Constitutional Council meets immediately and certifies the definitive vacancy by an absolute majority of its members. It addresses a declaration to that effect to the President of the Chamber of Advisors and to the President of the Chamber of Deputies who shall immediately be vested with the functions of interim president of the republic for a period ranging from 45 to 60 days. If the definitive vacancy coincides with the dissolution of the Chamber of Deputies, the President of the Chamber of Advisors is vested with the functions of interim president of the republic for the same period." Further, during the period of the interim presidency, "presidential elections shall be held to elect a new President for a five-year term of office, and the new President of the Republic may dissolve the Chamber of Deputies and hold early legislative elections."

The Tunisian regime is distinguished by the fact that it is a presidential system that was gradually transformed into a president-centric system in which the president enjoys broad powers at the expense of other state institutions, such as the government and parliament, and including the ruling party. Because the country has seen just two presidents since 1957, each of them has

¹ See, for example, statement published by the Renewal Movement (*Harakat Ettajdid*).

² This section was revised by Constitutional Law No. 88 of 1988, dated 25 July 1988, and Constitutional Law No. 51 of 2002, dated 1 June 2002.

occupied a pivotal position in the administration of state affairs. Bourguiba did not allow institutions to exist independently of him, believing himself to be the personification of the state. As a result his own personal situation had a major impact on the state, including the condition of his health.

Accordingly, since the 1970s opposition parties have been trying to disengage the state from the ruling party, and the state from the President of the Republic. For the state is the constant element, while the presidency is subject to change and flux, something that was made abundantly clear towards the end of Bourguiba's presidency when he began to suffer from dementia, and the state apparatus consequently stalled and ceased functioning.

Factors impacting upon the future of the political regime

The coming four years will be critical in determining the future of the political regime in Tunisia, and will depend to a large extent on the following three factors:

Firstly, the way in which the various elements of the regime view the future of governance and the state. President Ben Ali continues to be the linchpin of consensus between the various actors, both those within the authorities and allied to the regime. Thus far no declared rival to the President has come forward from government circles, and he remains capable of running the country. Seeking to pre-empt events, some in the opposition have raised questions over the Constitution in the post-2014 period, in light of unconfirmed reports from unknown sources promoting names that some view as offering possible alternatives in the coming phase. All parties were therefore taken by surprise last

summer by the premature launch of a signatures campaign appealing to President Ben Ali to remain in power and stand in the presidential elections scheduled to be held in four years' time. The people running the campaign believe that such a scenario – which bears similarities to the situation in Egypt, where Mubarak remains in power – would bring to an end all forms of possible competition within the organs of government, following the circulation of a number of names in recent months. It would therefore shore up regime stability and prevent cracks from developing by bringing everyone together over a single, unified choice, and presenting the other local and international parties with a *fait accompli*. What is interesting to note here is that this campaign was not initiated by the ruling party, which is not to say that it is opposed to the scenario of extending the presidency; indeed, its central committee has given out signals in that direction. However, it was taken by surprise by the campaign, which is still premature and has unknown reasons, motives and origins.

Significant in this context is the fact that there is currently no open, frank dialogue within the regime and specifically within the ruling party, the Constitutional Democratic Rally. Such a dialogue would offer an opportunity to be heard to those who are afraid to voice their opinions in an atmosphere that is dominated by a single voice. Contra those who believe that the ruling party has finally lost its political significance, and despite attempts to marginalise it, an objective analysis of what is transpiring behind the scenes within the party reveals several conflicts. Furthermore, there are persons within its ranks who think differently from the mainstream. True, over the past twenty years diverse currents gathered around major figures have not emerged from within the ruling party, as was

the case in the 1970s. Nevertheless, it is still the largest organised political structure in the country, and cannot be dismissed by anyone seriously contemplating the future, just as its activists cannot be written off as mere employees, as some see it. True, it is an apparatus for mobilisation, but it is still the main source of renewal among the ruling elite, a fact that may become more apparent in the coming few years.

Secondly, the extent to which the opposition is able to shift the balance of power in its favour. The scenario of extending the president's term could lead the country to a dead end sooner or later and this could jeopardize the future of the entire political system. However, the political parties have adopted differing positions towards this scenario, and have varying capacities with which to deal with it. Yet anyone who reflects on the subjective reality of these parties, and on the objective reality of Tunisian society, could come out with the conclusion that there is no strong indication that Tunisians are inclined to withdraw their confidence from the regime or willing to deepen the vacuum around it. However, it should be reminded that Tunisian society once turned all of a sudden against the regime and its main figures in 1987 against Bourguiba, despite all the charisma this historical leader enjoyed.

A third component of the political-party landscape is attempting to create a democratic axis, aiming to exert political and popular pressure on the authorities to back down from the option of extension, open a dialogue with the opposition, and accept democratic competition. Those who advocate this option seek to cause discomfort to the authorities and bolster the discourse critical of it. However, its influence on the regime remains limited, as ruling

regimes do not take weak competitors into consideration.

As for those who attempt to avoid a break with the regime – and persuade it to open up scope for dialogue and to accept the principle that the various political forces should participate in determining the features of the next phase – their efforts continue to come up against the disregard shown by the regime for such voices. They also come into conflict with the lack of any willingness on the part of the regime to integrate such actors into the political system, for the reasons discussed above.

The opposition parties – although some opposition factions are trying to draw comparisons to what is taking place in Egypt – remain weak and unable in their current situation to pose a threat to the regime, including the banned Renaissance Movement (*al-Nahda*). The latter emerged from its confrontation with the regime exhausted and unable to regain the initiative, due the harsh test it was subjected to and because it failed to the political moment in which to become a locally and internationally-accepted interlocutor. Unless it manages to organise its ranks, consolidate its leadership and devise means with which to influence the political reality, the opposition will remain marginal. Thus it will not have a major role to play in the process of democratic transition, where it will not be a partner and which will take place far from it.

It is important for the opposition parties to be ready to play an effective role in events during the transitional stages, but the necessary conditions remain elusive at present. Nonetheless, the stances adopted by these political parties and by civil society organisations, as well as their actions do have, despite their limited nature, a political

impact at the symbolic level. This is important to the process of legitimising any potential scenario. Regarding the social protests that have been staged in some parts of the country, and which may yet be repeated in certain areas, while they are an indication of popular tension in some more deprived areas of the country, they have not been more than transient and sporadic reactions that the authorities have been able to contain through numerous means, including security measures. The opposition may employ these protests in its anti-regime rhetoric, but it has not yet been able to make them its own or to transform them into a political and social force opposed to the regime. In addition, the leadership of the General Union of Tunisian Workers is still keen to avoid acting in coordination with the opposition parties or to turn itself into an anti-regime actor in the political arena, as was the case in the era of the late former unionist leader Habib Achour. Political reform is not a priority of the trade unionist movement, at least not at present.

Thirdly, the external factor, i.e. the conduct of larger states with a vital interest in the stability of Tunisia. This factor has always been in play, despite the commitment of all Tunisian parties to respect the country's sovereignty and reject interference in its affairs. However, strategic considerations, the nature of international politics, and overlapping interests have historically determined that France and the United States of America should be two of the countries closest to the affairs of Tunisia. And they work in various different ways to ensure that Tunisia remains within their "vital space". There are various indicators and data to confirm that Paris and Washington agree over their continuing support for the regime, based on a conviction that no better alternative to President Ben Ali has yet come forward.

They also agree over not bringing pressure to bear that stands to endanger the current balance of power or introduce any uncalculated risks. The two are further united over the need to prevent Islamists from threatening this balance, something that is more obviously apparent, however, within French circles. The Americans, meanwhile, are keener to persuade the regime to soften its stance towards its opponents, and to allow more freedoms, even partial, in order to safeguard the country's stability and avoid a stalemate. Paris and Washington are also both carefully following what takes place behind the scenes in the regime. In doing so they are studying the various possible future scenarios before lending their support to the version that is in each of their interests. And both undoubtedly seek to avoid ending up at the mercy of surprise factors.

All of which is not to say that outside forces will ultimately determine the future of the political regime in Tunisia, for such forces have found themselves faced with a *fait accompli* in the past. Indeed, external forces have proven to be "powerless" to persuade the regime to permit its opponents any degree of openness, however slight, and are thus unlikely to be able to induce it to accept a settlement with political forces external to it. The regime is capable of regenerating itself from within and does not need the help of any particular party. At the same time, however, it cannot ignore these external actors or neglect to take their strategic interests into account.

There is more than one path, and the President holds the key

Given the above, the possible future scenarios in Tunisia remain unknown. However, the most likely scenario centres on initiatives that President Ben Ali may

undertake, as the pivot of a system of government that grants the Head of State enormous powers and confers special status on him. Seen from this angle, President Ben Ali will continue to be the sole actor who determines, broadly speaking, the course of future developments. There is an unknown link in this context that concerns Ben Ali's ability to get rid of the pressures exercised by influent groups controlling significant interests. This unknown link includes also Ben Ali's capacity to undertake political reforms at the appropriate time, because any delay would just weaken the regime more and more. If he were to reject the extension scenario, due to the grave constitutional problems it entails and given its unknown consequences, he would thereby proffer the opportunity to build a new political understanding. This is especially true if coupled with enhanced freedoms, and if current tensions were assuaged by tackling the large number of political issues that remain unresolved, and by opening a

national dialogue on matters of political reform. On the other hand, if the situation of political closure is to continue and concrete and real measures are not taken to fight corruption, the Tunisian situation will remain at the mercy of sudden development.

In any case, it has now become apparent that the plan adopted by the regime after it ousted the Renaissance Movement from the political game and integrated part of the opposition into the parliament in the early 1990s has exhausted its purpose, and proven unable to respond to the subsequent developments witnessed by the country. Today Tunisia must be governed in a different way, with a different vision that admits a minimum level of urgent political reform. The political regime has two options: either to work to gain new legitimacy, or continue along a path that could once again open the door to the unknown.