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# TRANSFORMING TUNISIA

## The Role of Civil Society in Tunisia's Transition

Shelley Deane

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## **The Role of Civil Society in Tunisia's Transition**

## About the author

Shelley Deane PhD is Senior Middle East Adviser for International Alert. Formerly assistant professor of Government at Bowdoin College and visiting lecturer at Dartmouth College, Shelley researches security pacts, negotiated bargains and peace agreements in protracted conflict to peace transitions.

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## Acronyms

<b>ATFD</b>	Tunisian Association of Democratic Women
<b>CPR</b>	Congress for the Republic
<b>CSO</b>	Civil society organisation
<b>FDI</b>	Foreign direct investment
<b>INGO</b>	International non-governmental organisation
<b>LTDH</b>	Tunisian League of Human Rights
<b>MENA</b>	Middle East and North Africa
<b>MOU</b>	Memoranda of understanding
<b>NCA</b>	National Constituent Assembly
<b>NGO</b>	Non-governmental organisation
<b>RCD</b>	Democratic Constitutional Rally Party
<b>UGTT</b>	General Union of Tunisian Workers

## Executive summary

Street vendor Mohamed Bouazizi's self-immolation ignited protest throughout Tunisia in December 2010. Bouazizi's response to the confiscation of his fruit cart by President Zine El Abidine Ben Ali's regime officials resonated throughout Tunisia and the wider Arab world. A personal protest in a provincial city of Sidi Bouzid in Tunisia's interior became the point of departure for the Arab "Spring". In a matter of weeks, people were unified in a series of uprisings against their respective authoritarian governments. Driven by socio-economic deprivation, young politically disenfranchised, socially marginalised and unemployed citizens across the Middle East and North Africa (MENA) marched demanding a political voice. Tunisians triggered a wave of home-grown uprisings, many of which became revolutionary movements across the Middle East. Broad-based independent associations of people across the Arab world mobilised to exert popular pressure on the government and the state. These independent associations of people, including non-governmental organisations (NGOs), community groups, labour unions, charities, political, professional and faith-based associations defined by the World Bank as civil society organisations (CSOs), unified in unprecedented demands for political representation, free association and regime change.

**How did Tunisia's CSOs oust an authoritarian regime, adapt to revolutionary changes and remain unstifled in the midst of transition?**

**With regard to ousting the regime**

- Tunisia exemplifies the degree to which demographic changes across the MENA region over the last 20 years have changed the political landscape. At a time when state security organisations repressed CSOs acting beyond the strict parameters of corporatist civil society, Tunisia's civic activists mobilised collectively.
- Tunisia's CSOs succeeded in bonding similar groups, while simultaneously bridging the gap between diverse groups around their opposition to the regime, and their demands for the free exercise of their rights as citizens.
- Tunisia's "spirit of solidarity" signalled the start of the revolution and the starting point for freedom of association and institutional reform for civil society activity.

**In terms of adapting to change**

- New Tunisian civil society is characterised by the fast-moving, collaborative way Arab citizens influence institutional changes by creating newly institutionalised frameworks for public participation.
- In states in transition, the access provided to CSOs to inform government decision makers generates a framework for civil society and state institutions to co-evolve. Tunisia's institutional reforms began by addressing the right of association and assembly for CSO groups as well as for citizens.
- The new networks of associations developed in the midst of revolutionary transition are institutionalised in new Tunisian laws of association. Tunisian CSOs are now free from oppressive state control and obstructive registration requirements.
- On paper, Tunisia's new laws of association are a veritable "to do" list for CSO reform. Under the new laws, CSOs are encouraged to testify, comment on and influence pending government policy and legislation.
- New religious and politically driven actors are emerging to threaten the existing transition coalition.

- The Tunisian transition is currently tackling ‘the Twin Tolerations’. The toleration of the religious citizens towards the state, and the toleration of state officials and state law to permit religious citizens to freely express their views and values within civil society and in politics, as long as other citizens’ constitutional rights and the law are respected.
- Threatening ‘the Twin Tolerations’ will compound existing tensions between Salafist supporters and the democratising state. Toleration and the accommodation of differences initially enabled Tunisia to integrate important political actors into the transitional process, to hold elections and, thus far, to navigate the divisions between secular and religious Tunisians.

**Finally, given Tunisia’s experience to date, the paper reminds us what will ensure the consolidation of stability and peace**

- The structure of the political system shapes the way CSOs act. A strong parliamentary system allows entry for CSOs, with fewer restrictions and regulations on CSOs’ activities and funding sources.
- The creation of a robust representative Tunisian parliamentary assembly capable of managing the negotiation and formation of formal codes, rules and regulations provides a greater opportunity for Tunisian civil society to sustain new norms of civil engagement.
- Targeted investment in institutional reform and CSO capacity building can counter the threat posed by factions trying to polarise Tunisia’s population and undermine its transformation.
- Provision is made for associations to access information, evaluate the role of state institutions and submit proposals to improve performance, and organise meetings, conferences, demonstrations and all kinds of civic activities.



## Introduction

Tunisia's path to democratisation has moved in a "two steps forward, one step back" progression despite socio-economic difficulties that would appear to reinforce conservative religious Salafist criticisms of the En-Nahdha-led government. Despite the inevitable hurdles associated with transition, Tunisia's two years of transformation from autocratic regime to a representative democratic republic provide lessons and insights for other Arab states in transition. The role of Tunisian civil society<sup>1</sup> played in mobilising opposition to a regime institutionalised over 55 years is particularly important to academics', regime-change theorists', policymakers' and activists' understanding of the causes and consequences of the Arab uprisings. A review of Tunisia's civil society organisations (CSOs) provides revealing insights into pockets of public activism, CSO activity and post-revolutionary government efforts to create newly institutionalised frameworks shaping citizen participation in governance.<sup>2</sup> Moreover, the two-year Tunisian test case provides sometimes salutary lessons for institution-led, contemporary political transformations across the Middle East. A study of Tunisia's CSOs provides the scope for exploring civil society associations operating in a repressive authoritarian state and in a post-revolutionary democratising state. Tunisia's innovative freedom of association regulations offer an opportunity to consider CSO responses to institutional and regulatory reforms in the changing architecture of political institutions in MENA states in transition.

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1 Civil society is defined as all voluntary associations that exist below the level of the state but above the family. See S. Berman (2009). 'Re-iterating the study of civil society and the state' in Z. Barany and R. Moser (Eds). *Is democracy exportable?* Cambridge: Cambridge University Press. pp.37-56.

2 Transition governments may well attempt to limit citizen and civil society participation. Experience of CSOs in transition suggests that, in cases where CSOs are in charge of the national regulation of national associations, there is greater citizen participation.

## Early promise: Tunisia leads the way

The Tunisian revolution was the first in a series of Arab uprisings. Tunisia's protests proved to be a turning point for states throughout the region. Egypt, Yemen, Libya, Bahrain and Syria, in particular, suffered a crisis of authority in the midst of the Arab Spring, with varying responses. In the absence of economic opportunity and without political representation to voice discontent, public demonstrations provided a platform for popular Arab protest. Informed by media and social networks, young men and women mobilised against ageing autocrats across the Middle East, as the people publicly pressed their leaders for change.

Tunisia suffered over 220 deaths during the revolution,<sup>3</sup> a relatively higher casualty rate per population than Egypt's 846 dead, but, as Michalak observes, 'much less costly in lives' than the uprisings and subsequent civil wars in Libya and Syria.<sup>4</sup> Tunisia has pursued change at an unequalled pace, with no other state in transition matching Tunisia's incremental progress. President Ben Ali's hurried exit to Saudi Arabia allowed for the prompt implementation of institutional-led change, as Tunisians set about the process of reframing state-society relations. Tunisia's lessons for the Arab Spring states in transition begin with Tunisia's civil society at the forefront of the creation of a new "spirit of solidarity", creating new norms of civil engagement for citizens across the Arab world.<sup>5</sup>

Protestors across the Arab world openly called for change. Citizens took to occupying city squares and public space usually reserved for the incumbent regimes. The protestors' calls for change paralleled those first heard in Tunisia where crowds chanted, "*Degage!*" ("Get out").<sup>6</sup> Public demands for political change were clear and uncompromising. In a matter of weeks, unrest and instability increased across the region as the regimes in Egypt, Yemen, Libya, Syria and Bahrain reacted to the mass mobilisation of the people with resistance, retaliation and repression.

The Arab Spring renewed interest in identifying the role and impact of CSOs. The study of traditional or "old" CSOs focuses on the credibility of information and access to government policymakers. The mobilisation of people across MENA illustrated new areas where citizens act collectively in the public space between home and government. "New" civil society is characterised by the fast-moving, collaborative way Arab citizens influence institutional changes creating newly institutionalised frameworks for public participation.

### Civil society's role in a resilient authoritarian regime

In Tunisia, when the regime's security forces finally beat a retreat, the people of the Arab uprisings promptly set about the long and protracted process of reform. The duty to deliver democratic change fell to a small cluster of existing CSOs and civic activists. In Tunisia and in authoritarian regimes elsewhere in the region, civil society groups were heavily regulated, restricted and often banned. Regimes will often tolerate, contain, control and even co-opt the remaining CSOs for their own purposes. Despite regime regulations and repression, Tunisia's civil society groups benefited from the relatively cohesive, tolerant make-up of Tunisian society, a society free from ethnically driven conflict. Historically, economic cleavages proved the most pervasive cause of social conflict in Tunisia leading to the revolution.

3 Amnesty International Annual Report 2012. Available at <http://www.amnesty.org/en/region/tunisia/report-2012>.

4 L. Michalak (2012). 'Tunisia: Igniting Arab democracy' in *A diplomat's handbook for democratic development support*, 3rd ed. Forthcoming. p.20. Available at <http://www.diplomatshandbook.org/>.

5 L. Anderson (2011). 'Demystifying the Arab Spring', *Foreign Affairs*, Vol. 90, No. 3, May/June, pp.1-7.

6 L. Michalak (2012). Op. cit.

Prior to the 2010 revolution, the EU's "Neighbourhood Policy" for the MENA states was perceived by the West as the main driver of economic change in Tunisia. The Barcelona Process, begun in 1995, first advocated for incremental liberalising changes to long-standing regimes in MENA. The Barcelona Process required Arab regimes to sign up to, if not implement, a greater commitment on political and security relations, economic and financial agreements, and social and cultural partnerships. In response to these pressures from the international community to democratise and liberalise, Arab autocrats tended to selectively coerce CSOs in a bid to garner support for their regime from abroad. The Ben Ali regime in Tunisia and Mubarak regime in Egypt both illustrate the way in which authoritarian regimes adapt to an international perspective while sustaining their strong domestic position. CSOs are often enthusiastically credited with pressuring authoritarians for change, 'while democratizing from below'.<sup>7</sup> As authoritarian regimes learned that the secret to longevity was adaptation, some CSOs became part of the strategy of "authoritarian resilience" employed by the same long-standing Arab regimes. "Authoritarian resilience" refers to the way in which authoritarian states navigated the needs of the international community for "democracy and democratisation", while reinforcing their influence and meeting the needs of their own regime requirements domestically.<sup>8</sup>

Rather than repress CSOs entirely, and draw unwelcome attention to their "democratic deficit", authoritarian regimes, like that of Zine El Abidine Ben Ali's in Tunisia, instituted selective liberalisation and a corporatist or state-monopolised civil society framework. Corporatist civil society frameworks are particularly attractive where political elites favour economic development but are fearful of its social (pluralist) and political (democratising) consequences.<sup>9</sup> As a result, pockets of CSOs geographically centred in the capital Tunis or the coastal cities of Sfax and Sousse operated within the oppressive constraints of the Ben Ali regime.

State security organisations repressed CSOs acting beyond the strict parameters of corporatist civil society in Tunisia. When striking miners in the central mining region of Gafsa protested for six months, to highlight regional inequalities, low wages and high prices, the Tunisian police responded with violence. In 2010, when news of Bouazizi's protest reached the large port city of Sfax, a successful general strike was similarly repressed. In Sfax, however, the security forces failed to curb the momentum of revolt as it rolled towards the capital Tunis prompting President Ben Ali into exile.<sup>10</sup> As the president fled on 14th January 2011, the Tunisian regime retreated, allowing space for power to be reconfigured in Tunisia. The task of transforming Tunisia's single-party state structures fell to civil society groups working inside the existing political institutions,<sup>11</sup> and to the newly created civil society activist networks.

## Civil society and political reform

Tunisia's popular protests and civic activism persist amid claims that the 'bloom is off the rose'<sup>12</sup> and 'revolution is starting to unravel'.<sup>13</sup> Today's protestors in towns like Siliana, which lies 130 km from Tunis, direct their frustrations over failed development initiatives at the democratically elected coalition government of the En-Nahdha party. Protestors are demanding the new government make good on election promises of employment and are calling for development of the marginalised rural interior and peripheral areas of the Tunisian south, both of which suffer from underdevelopment. The task of transforming Tunisia from an authoritarian kleptocracy to a democratic state tests conventional theories of democratisation and regime change.

7 M. Foley and B. Edwards (1996). 'The paradox of civil society', *Journal of Democracy* 7.3, pp.38–52.

8 P. Aarts and F. Cavatorta (Eds) (2013). *Civil society in Syria and Iran: Activism in authoritarian contexts*. Colorado, US: Lynne Rienner. p.9.

9 H. Wiarda (2003). *Civil society: The American model and Third World development*. Cambridge, MA: Westview.

10 L. Michalak (2012). Op. cit.

11 E.A. Bloodgood (2010). 'Institutional environment and the organisation of advocacy NGOs in the OECD' in A. Prakash and M.K. Gugerty (Eds). *Advocacy organisations and collective action*. Cambridge: Cambridge University Press. pp.91–129.

12 S. Berman (2013). 'The promise of the Arab Spring', *Foreign Affairs*, January/February, pp.64–74.

13 C. de Bellaigue. 'Tunisia: "Did we make the revolution for this?"', *New York Review of Books*, Blog, 18th December 2012. Available at <http://www.nybooks.com/blogs/nyrblog/2012/dec/18/tunisia-did-we-make-revolution/>.

Tunisia was the first state in the region to adopt a constitution (1861) and the first Muslim state to abolish slavery.<sup>14</sup> Now, in the midst of transition, Tunisia is the first state in the region to begin augmenting the political and socio-economic institutions of an authoritarian state. The first to exile a leader and dissolve a ruling party, the Democratic Constitutional Rally Party (RCD), Tunisia is also the first to begin the process of changing authoritarian structures instituted over the past 55 years. Authoritarianism, first instituted under the regime of President Bourguiba from independence to 1987, continued after the coup d'état orchestrated by his successor Ben Ali. Both attempted to corrupt the Tunisian Constitution, Bourguiba succeeding, extending the tenure and the longevity of their respective regimes.

Political transformation in Tunisia began in 2011 with a process of constitutional reform. The institutional reforms began with the higher authority, redistributing the limitless powers of the president to elected public representatives. Tunisia's interim government established committees addressing constitutional considerations such as security and corruption, as well as truth and reconciliation concerns.<sup>15</sup> An electoral commission was created under the opposition human rights leader Kemal Jendoubi, and was tasked with setting the parameters for the first National Constituent Assembly (NCA) elections. Representatives were elected through proportional lists for districts including districts for Diaspora Tunisians living overseas. The En-Nahdha (Renaissance) party won the election to lead the interim NCA with more than 41 percent of the vote.<sup>16</sup>

En-Nahdha's fortunes as the party of the Islamist opposition are shaped in part by electoral legacy and the fate of many CSOs operating under the command and control of authoritarian regimes. In 1989, members of En-Nahdha ran as independents in the first election during the Ben Ali regime, winning 14.1 percent of the vote, which resulted in the regime banning the party. When Ben Ali's regime instituted the new laws of association, En-Nahdha's leader Rachid Ghannouchi fled to London. Ghannouchi was tried in absentia for his alleged part in a plot to assassinate President Ben Ali, and only returned to Tunisia after the Arab Spring began in January 2011. En-Nahdha's subsequent success in the 23rd October 2011 election can be attributed to three distinct factors. First, En-Nahdha retained its long-standing religious and rural support from Tunisians similarly marginalised and repressed by the Ben Ali regime. Second, party activists pursued ongoing underground activities, for which its members were imprisoned, throughout the 20 years in political exile. Finally, in a secular state with a Sunni Muslim majority, the party's message reconciling Islam with democracy maintains a broad appeal in Tunisia.<sup>17</sup>

In March 2011, with state censorship abolished, and with renewed legal status, En-Nahdha resumed its ongoing work with labour groups to secure the first free Tunisian election, which it won with over 41 percent of the vote. Two other parties united in coalition with En-Nahdha to form a majority government. The first coalition partner, the Congress for the Republic (CPR), a secular party lead by Moncef Marzouki, a human rights advocate and former leader of the Tunisian League of Human Rights (LTDH), won 13 percent of the votes. The third coalition party, Et-Takatol (The Democratic Forum for Labour and Liberties), a secular centre party under Mustapha Ben Jafar, a long-standing opponent of the Ben Ali regime, won 9 percent of the votes.

En-Nahdha's success in Tunisia's first election illustrates the powerful role political Islam plays in states in transition. In Tunisia, the initial desire for En-Nahdha to govern in a majority coalition reveals the initial pragmatism of parties espousing political Islam and no longer in the place of the persecuted opposition.<sup>18</sup> The success of En-Nahdha, as the predominant party in Tunisia's

14 R. Khalaf. 'Tunisia: After the revolution', *Financial Times Magazine*, 6th May 2011. Available at <http://www.ft.com/intl/cms/s/2/9272ed50-76b9-11e0-bd5d-00144feabdc0.html#axzz2H0GmmYz3>

15 International Crisis Group (ICG). *Tunisia: Combatting impunity, restoring security*, 9th May 2012.

16 90 per cent of registered voters, 55 per cent of the Tunisian population, participated in the election.

17 Alexis Arief (2012). 'Political transition in Tunisia', Congressional Research Service. <http://www.fas.org/sgp/crs/row/RS21666.pdf>.

18 M. Muasher. 'The overblown Islamist threat', *New York Times*, 2nd November 2011.

Assembly, raised foreign observers' fears that secular liberal reforms would be curbed. The conservative Islamist position of the Salafi tradition<sup>19</sup> was not represented in the election, and the Islah (Reform) Front Party was only licensed in May 2012, after the election. In the unifying spirit of the revolution, En-Nahdha allayed fears by stating that it would conform to Tunisian visions of democracy not the other way around.<sup>20</sup>

En-Nahdha acknowledged the importance of maintaining the source of the Tunisian revolution, the united civil engagement of CSOs. Tunisia's lessons for the Arab Spring states in transition begin with Tunisia's civil society at the forefront of the creation of a new "spirit of solidarity" creating new norms of civil engagement for citizens across the Arab world.<sup>21</sup>

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19 "Salafism" broadly refers to a subset of Sunni religious movements that seek to advocate the conservative doctrines of the earliest Islamic faith.

20 E. Fair (2011). 'The election of Ennahda and the future of Tunisian democracy', *Stanford Journal of International Relations*, Vol. XIII, No. 1, p.41.

21 L. Anderson (2011). Op. cit.

## Consolidating the transition: The spirit of solidarity

Tunisia's "spirit of solidarity" signalled the start of the revolution and the starting point for freedom of association and institutional reform for civil society activity. The emergence of civil society and community empowerment is often credited as one of the drivers for democratisation. Tunisia is also the first of the Arab Spring states to begin addressing the role of CSOs in state-society relations and the agency and influence of an array of new civic activists.<sup>22</sup>

### New civil society and institutional reform

Tunisia's laws regulating civil association date back to 1888.<sup>23</sup> Tunisia's interim government promptly reformed state laws by encouraging greater civic participation and creating new political parties and civic organisations.<sup>24</sup> On 18th February 2011, the interim government established the Higher Authority for the Realization of Revolutionary Objectives, Political Reform and the Democratic Transitions, and promptly instituted new laws of association, providing a number of positive protections for non-governmental organisations (NGOs).

On paper, Tunisia's new laws of association are a veritable "to do" list for CSO reform. Under the new laws, CSOs are encouraged to testify, comment on and influence pending government policy and legislation. CSOs are now free from oppressive legal impediments and obstructive state registration requirements, while donors and funders of CSOs are free from state pressures. Provision is made for associations to access information, evaluate the role of state institutions and submit proposals to improve performance, and organise meetings, conferences, demonstrations and all kinds of civic activities. Associations are relatively easy to form, though there is government control over founding an association with a formal registering process. Associations can source funding from an array of donors with opportunities to appeal to government dissolution of funds.<sup>25</sup> Tunisia's current law on foreign funding, Decree 88 (2011), Article 35, states only that associations are prohibited from accepting assistance, donations or grants from countries not diplomatically linked to Tunisia, or from organisations that defend the interests and policies of those countries.

In practice, the efficacy of the new laws of association is dependent upon effective implementation. When faced with economic difficulties, vulnerable government structures and a public preoccupied with surviving, states in transition often fail to successfully implement progressive freedom of association legislation. Russia's transition experience from 1993 to 1998 is characterised as the period of "benign neglect" of civil society.

Critically for Tunisia's transition process, the decree-law on associations eliminates the crime of membership or providing services to an unrecognised organisation. Human Rights Watch World Report on Tunisia 2012 states that the regime of Ben Ali exploited this provision, in tandem with a decree-law on political parties stating that parties could not be based on religion, language, race, sex or religion, to imprison thousands of opposition party activists.<sup>26</sup> Authoritarian mechanisms for regulating civil society curbed the capacity of CSOs throughout the Ben Ali regime. Human

22 The US State Department Human Rights Report 2011 does not provide numbers for domestic NGOs in Tunisia. See also <http://mideastposts.com/2012/10/civic-and-humanitarian-groups-thrive-in-new-tunisia/>.

23 M. Rishmawi (2007). 'Overview of civil society in the Arab world', Praxis Paper No. 20. October. Available at <http://www.intrac.org/data/files/resources/421/Praxis-Paper-20-Overview-of-Civil-Society-in-the-Arab-World.pdf>.

24 Changes were made to law number 154 pertaining to the regulation of associations in 1959 and law number 8 pertaining to the organisation of Directorate of Accounts in 1968. See the International Center for Not-for-Profit Law (ICNL): [www.icnl.org](http://www.icnl.org).

25 Decree Number 88 for the Year 2011. Available at <http://www.icnl.org/research/library/files/Tunisia/88-2011-Eng.pdf>.

26 'World Report 2012: Tunisia'. Available at <http://www.hrw.org/world-report-2012/world-report-2012-Tunisia>.

rights activists were often imprisoned.<sup>27</sup> In the build-up to a UN-sponsored world summit on information in November 2005, there was an increase in state repression directed against leading human rights activists. Few Tunisian CSOs functioned and even fewer worked independently of the regime's corporatist civil society mechanisms. The Tunisian Association of Democratic Women (*Association Tunisienne des Femmes Democratiques*, ATFD), established in 1989, is one such organisation. The *Ligue Tunisienne pour la Defense des droits de L'Homme* (LTDH), established in 1977, was one of the first politically independent organisation in Tunisia, along with the ATFD and yet the history of the organisation and its regime relations illustrates the difficulties faced by CSOs operating within the kind of authoritarian corporatist civil society structure exhibited in Tunisia prior to the revolution.<sup>28</sup>

Of the traditional civil society groups in Tunisia, one organisation proved exceptional: The national labour union known as the General Union of Tunisian Workers (UGTT), responsible for the trade union strikes in Gafsa in 2008 and Sfax in 2010. The strikes created the impetus for greater collaboration across CSOs. The UGTT is an organisation with a long history of challenging the government. Established in 1946, the labour union was the target of government repression from the 1960s onwards. In 1978, when the labour leaders instituted a general strike calling for higher wages, they were heavily suppressed. On 26th January 1978, known as Black Thursday, 42 people were killed and 325 wounded before the regime restored order. The UGTT, like many CSOs tasked with effective resistance to authoritarian regimes, is constrained by the very regime it is tasked with changing or democratising. CSOs are at once co-opted by the state in a corporatist civil society–state arrangement of the kind often seen in authoritarian Arab regimes, or they are perceived as a counterweight to the state and independent of it.<sup>29</sup> The mandate of the CSO, whether it is a service provision CSO and more likely to be compliant or advocacy driven and more critical of the government, shapes the regime's responses. The authoritarian state traditionally seeks to suppress CSOs working through a variety of mechanisms: bans on the receipt of foreign funds, attacks on the press and inhibiting forms of permit and licence all serve to limit CSOs. These mechanisms have largely been eliminated in Tunisia.

Conscious of the impact of international donor funding,<sup>30</sup> many CSOs operating in authoritarian regimes actively avoid foreign funding sources since foreign funding can undermine home-grown civil society initiatives. For example, in 2008, Iranian civic activists sent an open letter to the US Congress to ask for the suspension of democracy promotion funds 'which has had an outcome completely opposite to the declared goals, and has caused so much pain and stress to a significant part of Iranian civil society'. Paradoxically, foreign funding of CSOs can narrow the space for independent civil society.<sup>31</sup> Astute authoritarian states are mindful of international opinion and co-opt CSOs, as part of state mechanisms of "authoritarian resilience".

International non-governmental organisations (INGOs) were able to host meetings and conferences in Tunis on cultural issues under the Ben Ali regime. Organisations such as the French Institut de Recherches sur le Maghreb Contemporain and the Konrad Adenauer Foundation held lectures in Tunisia. However, INGO programmes to build capacity for democratic governance or independent media standards organised by the American National Democratic Institute, the International Republican Institute and the European-sponsored Friedrich Ebert Stiftung, among others, were held outside Tunisia. As a result, revolutionary new civic activism and new civic activists from within Tunisia drove the Tunisian Arab Spring, at least for a time. As Aarts and Cavatorta observe, 'traditional civil society actors have had their role confiscated by a loosely organized youth that has been able to unite the nation beyond class and religion in the struggle

27 In April 2005, Mohammed Abbou, a lawyer and human rights defender, was imprisoned for criticising the regime. In 2006, human rights activist Lasad Jouhri was intimidated by the security forces for establishing Torture Victims against Impunity. See M. Rishmawi (2007). Op. cit.

28 N. Pratt (2006). *Democracy and authoritarianism in the Arab world*. Colorado, US: Lynne Rienner.

29 M. Foley and B. Edwards (1996). Op. cit. p.39.

30 L. Sundstrom (2005). 'Foreign assistance, international norms, and NGO development: Lessons from the Russian Campaign', *International Organisation*, Vol. 59, No. 2, April, pp.419–49.

31 P. Aarts and F. Cavatorta (Eds) (2013). Op. cit. p.50.

for change'.<sup>32</sup> The dense network of new civil associations in Tunisia illustrates the importance and impact new associations have on shaping state–society relations.

## Civil society, social and political rights

No state or society is immune from the influence of the broader international context, and Tunisia was no exception. Deplorable economic conditions and escalating state repression mobilised Tunisians, creating new social relations in broadly autonomous spaces within society not governed by the state.<sup>33</sup> New diffuse horizontal networks of associations in Tunisia stemmed from the need for effective cooperation between Tunisians excluded from the elitist nepotistic and kleptocratic Ben Ali regime.

Tunisia's reforms address the right of association and assembly for CSO groups as well as for citizens. New networks of associations are developing, bolstered by laws facilitating greater press freedoms, and laws on libel and slander, public law and decency. Critically, new Tunisian laws of association initiated in the midst of the revolution are now institutionalised in creating novel legal provisions for associations networks in Tunisia. Article 26 states that two or more associations may establish an associations network; Article 29 that the network acquires legal personality independent from the personality of its member associations; and Article 30 that the network may accept branches of foreign associations in its membership.

Economic and social changes created by the global recession, rising unemployment and illegal emigration of Tunisian youth created a new Tunisian civic activism mobilised against the decaying Ben Ali regime. The decline of the regime was illustrated in the increasing economic gap between Tunis and the urban coastal cities and the historically marginalised, depopulated and underprivileged regions of the interior. Furthermore, the regime's use of excessive force and executive power to suppress the strikes in 2008 and 2010 suggested it was struggling to maintain power against a rapidly changing society.

Tunisia exemplifies the degree to which demographic changes across the MENA region over the last 20 years have changed the political landscape. The two determinants of demographic change include the role of women and access to education. After independence from France in 1956, Tunisia passed the Personal Status Code abolishing polygamy and securing the vote for women and instituting free birth control the same year. In the early years of independence, Tunisia uniquely spent a third of its budget on education. In 2011, Tunisia had a lower fertility rate than France, with its total fertility rate at replacement level.<sup>34</sup> Today, women students constitute over half the university student body and women actively participate throughout society and politics. Prior to the election in 2011, political parties were using women's rights as an election issue in their campaigns. During the election, men and women were equally represented on electoral lists with a stipulation that each list had to alternate male and female candidates. Women now make up 24 percent of the Tunisian Constituent Assembly. Under the Ben Ali regime, women activists were arrested and imprisoned. Many women students joined En-Nahdha because of family ties rather than political purposes, while others are now small-scale entrepreneurs or wage earners for their families. Islamist women's activism in Tunisia has adapted and, in so doing, erased traditional perceptions of the role of women activists in Islamic political life.<sup>35</sup>

32 Ibid. p.7.

33 F. Halliday (2005). *The Middle East in international relations: Power, politics and ideology*. Cambridge: Cambridge University Press. pp.232, 235.

34 P. Fargues (2012). 'Demography, migration and revolt in the Southern Mediterranean' in C. Merlini and O. Roy (Eds). *Arab society in revolt: The West's Mediterranean challenge*. Washington DC, US: Brookings Institution. pp.21–27.

35 M. Marks (2012). 'Between imprisonment and empowerment: Understanding Islamist women's participation in Tunisia, Libya, and Egypt'. Panel on Tunisian 'Exceptionalism'? Situating the 2011 Revolution and its Aftermath in the Context of North African Regional Reform, Middle East Studies Association (MESA), Denver Colorado, 19th November 2012.



Tunisia's new activists built on the accumulated experience of decades of collective action in Tunisia. After the heavy suppression of the UGTT and labour unions during 1978 and 1984 and the strikes in 2008, to the repression of En-Nahdha in the 1990s, Tunisian activists knew how best to reframe their interaction with the regime. Tunisians, including the 120,000 unemployed graduates, knew that, to trigger a new wave of protest against the regime, they would have to use information, access to policymakers and action to unify against the regime.<sup>36</sup> Access to information provided by Tunisian bloggers, human rights advocates and WikiLeaks – which revealed US documents criticising the Ben Ali regime – enabled the transformation to take shape in Tunisia. Tunisian civil society acted in solidarity after the 2010 strike in the second city of Sfax. A committee for the Support of the Mining Region was established. A combination of human rights activists, lawyers from the bar association, trade union members, the student union (UGET) and well-known Tunisian individuals coordinated the committee's activities around three distinct objectives:

1. To defend the leaders of the movement in court;
2. To break the wall of silence the regime built around the movement of strikers and opposition; and
3. To assist (financially) the families of those imprisoned.<sup>37</sup>

The new network of Tunisian civil society activists called for representation and the redressing of social injustices of a corrupt regime, remedying large-scale unemployment and regional inequality. The civil engagement of Tunisians united 'Islamists of various stripes, left-wing trade unionists, economic and social liberals, and French-style secularists',<sup>38</sup> in solidarity against the incumbent regime without coercion. Tunisia's new civil engagement was unified around economic and social demands for change. Demands for change were generated by the cooperation and coordination of new and existing groups and activists, locally, nationally and virtually. The Ben Ali regime and its "adaptive authoritarian" mechanisms of managing civil society and civic activism were powerless to quash Tunisia's new social capital. Tunisia's new social capital is best described as the impact ascribed to social networks and associated norms of reciprocity created by activists and organisations, in the capital and the interior, united in their opposition to the Ben Ali regime.

Tunisia's civic activists succeeded in bonding similar groups, while simultaneously bridging the gap between diverse groups around their opposition to the regime, and their demands for the free exercise of their rights as citizens. Tunisians created a new network of relations and new norms of civil engagement across a series of social ties.<sup>39</sup> Putnam observes that a society where people are more connected is marked by a greater degree of tolerance.<sup>40</sup> In a society rich in social capital, there is greater tolerance of differences because of an assortment of numerous weak ties,<sup>41</sup> rather than a limited number of core (ethnic, religious, kin) ties that bind people exclusively to one another. Tunisia's revolution succeeded in bridging the historic social, political and economic divisions between centre and periphery, and social divisions between secular and religious, young and old, men and women, bonding otherwise distinct groups and associations rendered illegal by regime laws of association, with the desire to unseat the regime. A new "spirit of solidarity" created the social capital that formed the epicentre of the Tunisian revolution. However, social capital can also fuel conflict by exacerbating conflict dividing lines.<sup>42</sup> Tunisia's social capital can be undermined if the norms of reciprocity created by activists and organisations during the revolution are not maintained. A vibrant associational life, without shared norms of exclusion rather than reciprocity can undermine democratic stability for the new government.<sup>43</sup>

36 S. Tarrow (2005). *The New Transnational Activism*. Cambridge: Cambridge University Press. p.103.

37 M. Romdhani (2012). 'Origins of the Tunisian revolution', *Alternatives International*, Wednesday, 31st October. Available at <http://www.alterinter.org/spip.php?article3888>. Romdhani is a member of the Tunisian Forum for Economic and Social Rights (FTDES).

38 C. de Bellaigue (2012). *Op. cit.*

39 R. Putnam (2000). *Bowling alone: The collapse and revival of American community*. New York: Simon and Schuster.

40 R. Putnam (2002). *Social capital: Measurement and consequences*, paper for the OECD. See [www.oecd.org/edu/educationeconomyandsociety/1825848.pdf](http://www.oecd.org/edu/educationeconomyandsociety/1825848.pdf).

41 M. Granovetter (1973). 'The strength of weak ties', *American Journal of Sociology*, Vol. 78, No. 6, pp.1360–80.

42 S. Nan (2008). 'Social capital in exclusive and inclusive networks' in M. Cox (Ed.). *Social capital and peace-building: Creating and resolving conflict with trust and social networks*. Routledge: London. pp.172–85.

43 S. Berman (1997). 'Civil society and the collapse of the Weimar Republic', *World Politics*, Vol. 49, No. 3, pp.401–29.

## The challenge of sustaining change

### Transitional challenges

The Tunisian revolution required social activists to bridge existing divisions between non-state actors and activists and to bond around the demand for regime change, in order to generate a spirit of solidarity. International Alert convened a meeting of Tunisia's CSO leaders in March 2012 to identify and discuss the role of CSOs in a state in the midst of transition and to determine how best to maintain the solidarity of the revolution.

The "Citizen Voices and the Periphery: Fostering Dialogue and Participation in Tunisia's Transition to Democracy"<sup>44</sup> event revealed that after the revolution the aspirations of Tunisia's citizens' remain the same – namely dignity, new state–society relations based on openness, equality representation and opportunity and for the creation of an inclusive economy, with greater local, regional and state-level stability. Tunisia's transformative changes are, however, burdened by the hardship of economic recession and macro-economic instability and by the government's limited capacity to respond to specific expectations.

The Tunisian CSOs convened by Alert identified the following transitional challenges:

- As new transition government budgets stretch to counter the impact of limping economic growth across states in the region, rising unemployment figures threaten economic transformation efforts. With the number of unemployed now estimated at over 800,000 and 18 percent of the active population, the potential for violent confrontations is increasing. Escalating protests and conflict between workers and employers, government and unions is intensifying. Coupled with political tensions, decreasing investment, the decline of the tourist sector and the government's current account deficit, the ability to mitigate the unemployment crisis has diminished. As a result, the spirit of solidarity has come under scrutiny as the process of change has slowed.
- Revolutionaries disillusioned with the incremental pace of change and critical of those they hold responsible begin to schism as pre-existing divisions become apparent. Long-standing areas of discord include the rural interior and urban coastal divide and religious–secular communal cleavages. As the economy worsens, unemployment rises and patronage appointments replace former regime officials in the regions, the potential for an escalation in inter-regional and regional – centre conflict rises. The conflict between regions is compounding the difficulties of transition. With little devolution of powers to the regions under past regimes, the competition for resources from the central government is increasing.
- Tunisia's cleavages concealed by the consensus created at the time of revolution are now being exploited by exclusivist groups peddling their own particular agenda for the future of Tunisia. The division between Salafists, Islamists and Secularists threatens to divert attention from the socio-economic reform agenda. Confrontation between secularists and Islamists calcifies political divisions. The ideological competition between secular and religious groups polarises political parties, making policy reform increasingly difficult. Polarisation is particularly evident in the realm of social and human rights and the rights of women.
- Institutional reform, the role of the judiciary, transitional justice and reconciliation are at their most precarious in the midst of regime transition. As the civilian face of the state, the police are threatened by newly uncovered details of police corruption and abuse during

<sup>44</sup> See International Alert. 'Citizen voices and the periphery: Fostering dialogue and participation in Tunisia's transition to democracy', 9th August 2012.

the Ben Ali regime. CSOs and the citizenry remain sceptical of the Ministry of the Interior. Protracted attempts to transform the judicial system and the prison system, to create judicial independence as well as to strengthen democratic and rule of law structures, have tried public patience.

- International impact, interest and influences are shaping Tunisia's pursuit of peaceful transition. The international impact of conflict contagion threatens the transition. The influx of refugees from neighbouring Libya compounds existing border security threats. Immigration from conflict-afflicted neighbouring states and the emigration of young Tunisians to Europe threatens the precarious balance of a state in transition. Global-economic market trends jeopardise economic transformation, while international institutions such as the EU, the African Development Bank, the World Bank and the Arab League seek to mitigate the deepening crisis. Increasing aid dependence creates concerns over divergent donor agendas and Tunisia's independence and sovereignty. Foreign financing of civic and political movements, overtly with bilateral memoranda of understanding (MOU), or covertly through arms and donations, distorts existing power dynamics between state, society and citizenry.

Two interconnected themes running through these transitional challenges are particularly deserving of further attention here – namely, the role of religion and the role of the economy.

## New civil society and the role of religion in Tunisia

The Tunisian transition is currently tackling what Stephan describes as 'the Twin Tolerations' – namely, the toleration of the religious citizens towards the state, and the toleration of state officials and state law to permit religious citizens to freely express their views and values within civil society and in politics, as long as other citizens' constitutional rights and the law are respected.<sup>45</sup> Toleration and the accommodation of difference initially enabled Tunisia to integrate important political actors into the transitional process, hold elections and thus far to navigate the divisions between secular and religious Tunisians. Divisions between secular and religious CSOs are re-emerging as Tunisia determines the degree to which the role of religious or secular identities of Tunisians shapes the state's future. Since the revolution, debate and associated fears over the separation of religion and state are increasingly visible and divisive. Secularists fear that En-Nahdha is creating a religious state by stealth.

For every organisation in favour of democratisation, there is likely to be another in favour of more conservative social values. The social capital or value of organised social voices is created where there are strong institutional frameworks to facilitate the expression of differing views and open debate. Difficulties tend to arise when civil society develops apace, but democratic institutions are not fully entrenched. When democratic institutions are embryonic, the state and other elites are, as Snyder and Ballentine observe, 'forced to engage in public debate in order to compete for mass allies in the struggle for power'.<sup>46</sup> A robust civil society can shape, support and sustain democratic movements but it can also scuttle democratising efforts. While civil society can play a positive role in driving political, social and even economic outcomes, political associations and capable not crumbling institutions are as important as civil society instruments in determining the impact of civil society activism.<sup>47</sup> Civil society and state institutions need to co-evolve in a mutually productive way. Compatible capacities are needed to offset transitional problems that threaten to polarise civil society positions.

Religious and secular political positions over issues of religion, state and identity polarise opinion. Islamism – the belief that Islam should guide social and political as well as personal life – is a

45 A. Stephan (2012). 'Tunisia's transition and the Twin Tolerations', *Journal of Democracy*, Vol. 23, No. 2, April, pp.89–103.

46 J. Snyder and K. Ballentine (1996). 'Nationalism and the marketplace of ideas', *International Security*, Vol. 21, No. 2, Fall. Available at <https://www.mtholyoke.edu/acad/intrel/snyder.htm>.

47 S. Berman (1997). Op. cit.

powerful facet of civil society across the Arab world.<sup>48</sup> The rise of political Islam can be attributed to the failing legitimacy of authoritarian and predominantly secular states in the MENA region. Tunisia is no exception. En-Nahdha is part of a network of religiously based political Islamic parties participating in political transition across the region. En-Nahdha's statement that its party would conform to Tunisian visions of democracy not the other way around, classifies the party's initiatives as characteristic of an inclusive rather than an exclusive network. The traits of an exclusive network are exhibited by Tunisia's Salafist organisations.<sup>49</sup> Debate over the role and application of Sharia (Islamic law) in post-revolutionary Tunisia, however, reveals the trouble with Tunisia's 'Twin Tolerations'.

In February 2012, En-Nahdha representatives proposed introducing Sharia as the source of Tunisian law. This proposal ran contrary to the separation of religion and state espoused by the party prior to the election. The pre-election position of En-Nahdha was to refrain from amending the original first Article of the Tunisian Constitution, which broadly asserts the secular nature of the republic and Islam as the state religion. In March, En-Nahdha leaders said they would not support adopting any reference to Sharia.<sup>50</sup> The party leadership set and sustained the position it held prior to the election maintaining the separation of state law and religious law. Similarly, in the discussion over the regulation of alcohol in Tunisia, it was public health considerations that dominated debate not Sharia restrictions.<sup>51</sup> Secular and religious schisms reveal the pressing demands determining Tunisia's political and economic future. The ongoing task for Tunisia's transition is the politics of accommodation.

New religious and politically driven actors are emerging to threaten the existing transition coalition. The situation is all the more likely to change as political actors diversify and the elections, scheduled in October 2012 for June 2013, draw near. Religiously conservative by definition, Salafist influence is increasing as the economic situation inherited from the Ben Ali regime has improved little since the revolution. Seizing the opportunity of protracted economic instability, the Salafists' conservative Sunni Islamists are advocating Sharia, undermining the generalised trust and tolerance held by Tunisia's transformative government. Broad-based Salafist calls for increased restrictions on civil liberties are undermining Tunisia's new social capital. Taking advantage of their position, the broader Salafist constituency use religious forums to channel reactionary recidivism and grievances against the current government. The Salafists use their organisational advantage to disrupt university campuses, insisting the authorities only allow women students to attend class wearing the *niqab* (full body covering). Salafists have objected to the screening of two films: *Laïcité Inch'Allah* by Nadia El Fani and *Persepolis*, an Iranian film by Marjane Satrapi.<sup>52</sup> A Salafist arson attack on the grounds of the US embassy in Tunis in September 2012 in response to the US-made film *The Innocence of Muslims* resulted in four dead and the arrest and imprisonment of 144 Salafist protestors.<sup>53</sup> The Salafist capacity to adapt to a rapidly changing political environment hinders a comprehensive picture of the impact Salafists have on Tunisia's CSO "spirit of solidarity". Salafists are disparate and divided, though they are increasingly visible as they organise and agitate in Tunisia. Some Salafist groups are organised as volunteer groups and perceive their role as one of service provision, poverty-relief for example, while others have members and are proto-political party groups.

Salafists are increasingly divided between constitutional Islamists like the *Islah Front Party*, licensed in May 2012, and political-military organisations. The *Islah Front*, which wants to win power electorally by constitutional means, is readily distinguished from the "Salafi Jihadis". "Salafi Jihadis" refers to the violent group of Salafis known as *Ansar al-Sharia Tunisia*, which

48 S. Berman (2003). 'Islamism, revolution and civil society', *Perspectives on Politics*, Vol. 1, No. 2, pp.257-72.

49 E. Fair (2011). Op. cit.

50 Alexis Arieff (2012). Op. cit.

51 C. Merlini and O. Roy (Eds) (2012). Op. cit. p.50.

52 L. Michalak (2012). Op. cit. p.29.

53 'Tunisian sentenced for US Embassy attack', *Financial Times*, 25th October 2012.

advocates the use of violence to achieve its objectives. The Ansar al-Sharia group is closely linked to neighbouring like-minded or similar Salafist groups throughout the Maghreb.<sup>54</sup> The popularity of Salafist groups is greatest with the poor and economically vulnerable.

## New civil society and the role of the economy in Tunisia

Salafist Ansar al-Sharia supporters, who come from poor, marginalised and working-class areas, claim the En-Nahdha-led government is un-Islamic and a puppet of the US government. The Salafist claims against the incumbent government of distorting the realities of the economic situation in Tunisia breeds increasing resentment and garners further support for their position. All the more so, when the Tunisian government anticipates the US government will guarantee a fifth of the US\$2.2–2.5 billion borrowing needs of the government in 2013 to provide much needed help to its beleaguered economy. If the En-Nahdha government fails to deliver economically, protracted recession will only provide further opportunities for Salafist-driven solutions, as the young and unemployed may decide to exit politics in greater numbers and voice their distrust of the government through violent protest.<sup>55</sup>

To date, those disillusioned with the government have turned to the long-standing labour movement. The UGTT and trade unions still constitute a productive cross-regional source of solidarity. Economic and social deprivation encouraged civic activists to cooperate against the Ben Ali regime, and it is economic and social deprivation that can dismantle the coalition of forces that created the revolution. The UGTT was influential in creating the bonds between different sectors of society. The UGTT mobilised the coastal cities and towns in the 2010 protests that began in Sfax, and it was also behind the November 2012 phosphate miners' strikes in Gafsa.

The Gafsa protest paralleled the 2010 strike against the former regime. The protestors demanded greater development initiatives for their region, and the replacement of a local governor, the release of jailed local men and greater investment in the interior regions. As tensions escalated, a general strike was planned for 13th December 2012 but it was averted as the En-Nahdha-led coalition and the unions embarked on negotiations. The echoes of the revolution in the calls of the Gafsa protestors in December to remove the governor highlight the importance of economic stability and regeneration in Tunisia.

The Tunisian economy has suffered during the transition. Estimates suggest that the Ben Ali family controlled approximately a third of the Tunisian economy. In March 2012, unemployment had risen five percentage points on 2010 figures to 18 percent. In the summer of 2012, 170 foreign companies in Tunisia had closed.<sup>56</sup> The Eurozone crisis, coupled with the political and legal uncertainties of transition have stymied foreign investment.<sup>57</sup> Despite clear labour and taxation laws, Tunisia's market is small and the initial decline in foreign direct investment (FDI) and tourism has hindered Tunisia's economic transition.<sup>58</sup>

With Tunisians desperate to see the economic changes of higher wages and lower prices demanded during the revolution, labour relations have yet to improve. Strikes and protests indicate dissatisfaction with the lack of tangible economic benefits since the revolution. The UGTT has suffered from schisms and new unions have emerged to voice the need for rapid economic benefits

54 'FBI question Benghazi Consulate attack suspect in Tunisia', *Washington Post (Associated Press)*, 22nd December 2012.

55 Hana Zbeiss. 'Salafist influence grows in Tunisia', *Al Monitor The Pulse of the Middle East*, translated from *Al-Hayat*, 12th November 2012. Available at <http://www.al-monitor.com/pulse/tr/contents/articles/politics/2012/11/tunisia-salafists-clash-with-security-forces-ennahda-on-the-fence.html>.

56 L. Michalak (2012). Op. cit. p.29.

57 Abeer Allam. 'Investment: Uncertainty casts a cloud over FDI', *Financial Times*, 29th May 2012. Available at <http://www.ft.com/cms/s/0/1cee22d0-a4ed-11e1-9a94-00144feabdc0.html#axzz2KnfSLE00>.

58 'Arab Spring turns to economic winter on more joblessness', *Bloomberg*, 27th March 2012. Available at <http://www.bloomberg.com/news/2012-03-27/arab-spring-turns-to-economic-winter-on-more-joblessness.html>.

to curb mounting public impatience. Tunisian civil society in transition is tackling riots, a high suicide rate, market conflicts and increased crime often seen by the Tunisian Diaspora abroad as CCTV footage disseminated via social media sites.<sup>59</sup> As de Bellaigue observes, ‘to many Tunisians the goals that animated the transition no longer feel within reach’.<sup>60</sup>

Revolutionary goals of economic and social advancement, employment and representation are often achieved in slow increments punctuated by spurts of chaos.<sup>61</sup>

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59 Film footage of a robbery in Monastir Tunisia, December 2012. Available at <https://www.facebook.com/photo.php?v=10200365249394906&set=vb.1265207672&type=2&theater>.

60 C. de Bellaigue (2012). Op. cit.

61 B. Daragahi. ‘Development: Towards a bona fide bazaar’, *Financial Times*, 12th November 2012. Available at <http://www.ft.com/cms/s/0/a5d47f72-275b-11e2-9863-00144feabdc0.html#axzz2KnfSLE00>.

## Conclusions: Instituting the spirit of solidarity

Tunisia's Arab Spring transformation was instigated by the "spirit of solidarity" among the 'frail forces of civil society' united against the Ben Ali regime.<sup>62</sup> The goals of the revolution, economic and social advancement, employment and representation began transforming Tunisia with the collective will generated after the protest of Bouazizi in December 2010. The spirit of solidarity behind the revolution was consolidated in the strikes in Sfax that followed and manifested in the refusal of the security forces to fire on protestors at the doors of the Ministry of the Interior in Tunis. Calls for representation, association and regime change are now institutionalised, in a fully representative assembly and reforming judiciary, extensive freedoms of association and the creating of a new democratising regime. The corporatist CSOs of Ben Ali's adaptive authoritarian regime have been replaced with a network of CSOs assisting with Tunisia's transformation. A successful transition can be supported by recognising and building on the many positives while recognising and mitigating the threats.

### Recognising and mitigating the threats

Threatening 'the Twin Tolerations' will compound existing tensions between Salafist supporters and the democratising state. Toleration and the accommodation of differences initially enabled Tunisia to integrate important political actors into the transitional process, hold elections and thus far to navigate the divisions between secular and religious Tunisians.

For every organisation in favour of democratisation, there is another in favour of more conservative social values. The social capital or value of organised social voices is created where there are strong institutional frameworks to facilitate the expression of differing views and open debate. Difficulties tend to arise when civil society develops apace, but democratic institutions are not fully entrenched.

Tunisian CSOs are aware of the restrictions and restraints associated with donor-driven initiatives where connections with people at the local level are often subordinate to state-level concerns. Tunisia's CSOs know that international funding that focuses on national-level issues at the expense of the interior can only compound existing Salafist tensions. Neglecting the concerns of the interior can only tax the escalating tensions between 'the Twin Tolerations' – the toleration of the religious citizens towards the state, and the toleration of state officials and state law to permit religious citizens to freely express their views and values within civil society and in politics, as long as other citizens' constitutional rights and the law are respected.<sup>63</sup>

A robust civil society can shape, support and sustain democratic movements but it can also scuttle democratising efforts. Political associations and capable not crumbling institutions are as important as civil society instruments in determining the impact of civil society activism.<sup>64</sup> Tunisia's civil society and state institutions need to co-evolve in a mutually productive way.

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<sup>62</sup> R. Khalaf. 'Tunisia: After the revolution', *Financial Times Magazine*, 6th May 2011. Available at <http://www.ft.com/intl/cms/s/2/9272ed50-76b9-11e0-bd5d-00144feabdc0.html#axzz2H0GmmYz3>.

<sup>63</sup> A. Stephan (2012). Op. cit.

<sup>64</sup> S. Berman (1997). Op. cit.

## Building on the positives: New representation

The same spirit of the revolution was politically embodied in the 2011 election and the creation of a governing majority coalition of three diverse political parties to the fully elected NCA, an assembly created to serve as the basis for establishing a new government and creating a strong parliamentary system.<sup>65</sup>

The creation of a robust representative Tunisian parliamentary assembly capable of managing the negotiation and formation of formal codes, rules and regulations in a state in transition provides a greater opportunity for Tunisian civil society to sustain new norms of civil engagement than their Egyptian counterparts.

Independent, capable and predominantly representative political institutions are the arenas in which the new social norms established during the revolution are most likely to be consolidated and codified. Rigorous and impartial application of the rule of law is equally important if the courts and the judicial system are to protect newly won rights and freedoms. Tunisia's transition lacks effective implementation of judicial reform.

An independent judiciary and an independent, impartial, monitoring body to oversee the judiciary are needed to relinquish the legacy of Ben Ali's constitutional corruption granting him executive dominance as chair of the Supreme Council of the Judiciary.<sup>66</sup> As transitions in Russia and Egypt illustrate, lingering executive presidential dominance of the judiciary can veto scope for CSO activism. Continuing the spirit of solidarity, 14 CSOs founded the Independent National Committee for Transitional Justice to press for judicial reform and encourage public debate together with international CSOs. The structure of Tunisia's political and legislative institutions will shape the agency and activities of civil society.

The structure of the political system shapes the way CSOs act. A strong parliamentary system tends to have fewer barriers to entry for CSOs, with fewer restrictions and regulations on CSOs' activities and funding sources. While governments have incentives to regulate CSOs – particularly exclusive ones such as the Salafists that exclude rather than include others – parliamentary systems are more likely to provide an open environment for CSO access to government. In a strong parliamentary system of government, CSOs are more likely to be viewed as agents who can inform government by articulating the preferences of civil society.<sup>67</sup> As a result, parliamentary systems provide far greater access points for civil society activism. Tunisia's parliamentary system is best placed to sustain the spirit of collaboration established by civil society associations during the revolution.

In states in transition, the access provided to CSOs to inform government decision makers generates a framework for civil society and state institutions to co-evolve. To improve consultation, the new laws of association in Tunisia encourage CSOs to testify, comment on and influence government policy and legislation. In parliamentary governance systems like Tunisia, multiple levels of governance (regional and municipal) assist this practice, providing civil society activists with greater access and opportunities for collaboration.

The events of the past two years illustrate the ways in which civil society groups are navigating their way through new political institutions. For example, in Gafsa, a large phosphate mining hub 300 km from Tunis, the Governor of Gafsa works in conjunction with local CSOs, civil society activists, local state institutions and the Gafsa phosphate company to host and facilitate meetings

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<sup>65</sup> S. Fish and K. Michel (2012). 'What Tunisia did right', *Foreign Policy*, 2nd November 2012.

<sup>66</sup> The 1959 Tunisian Constitution guaranteed judicial independence.

<sup>67</sup> E. Bloodgood, *et al.* (2011). 'National styles of NGO regulation', paper presented at the International Studies Association ISA conference, Montreal, 16th–19th March 2011.



on science and education, in gatherings of over 400 people. The cost of the meetings is shared between the governor and the mining company, while local administrative offices provide their services, offices and time to facilitate a collaborative approach to CSO, municipal government consultation in Gafsa.

## New freedoms of association: Legal provision for networks of associations

Tunisia's institutional reforms began by addressing the right of association and assembly for CSO groups as well as for citizens. The new networks of associations developed in the midst of revolutionary transition are institutionalised in new Tunisian laws of association. Tunisia has codified a unique set of legal provisions for associations networks. Article 26 states that two or more associations may establish an associations network; Article 29 that any network acquires legal personality independent from the personality of its member associations; and Article 30 that the network may accept branches of foreign associations in its membership. Activism is evident in publicly challenging the coalition government and advocacy in support of government changes. The political activities allowed under Decree 88 are broad ranging and match international norms and principles.<sup>68</sup>

Tunisian CSOs are now free from oppressive state control and obstructive registration requirements, while CSO donors and funders are relatively free from state pressures. Since the revolution, the US government has contributed over US\$385 million to Tunisia's transformation, and 15 percent was allocated to strengthening Tunisian civil society. The EU provided in excess of €400 million towards civil society capacity for 2011–13. The Qatari-Tunisian development programme based on an MOU provides Tunisia with support and capacity building in redevelopment and state-society capacity building and mutual investments. The initiative provides support in sectors ranging from archaeology to justice, security, media and electricity.<sup>69</sup> Unrestricted by government donor regulations, many of the some two thousand<sup>70</sup> new Tunisian CSOs established since the revolution receive funding from an array of INGOs.

Effective funding for Tunisian CSOs and institutional reform from international organisations and donors will undermine attempts by exclusive groups or networks to curtail collaborative efforts to encourage peaceful transition.

Targeted investment in institutional reform and CSO capacity building can counter the threat posed by factions trying to polarise Tunisia's population and undermine its transformation.

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68 See Decree 88. Articles 3, 4, 5. Available at <http://www.icnl.org/research/library/files/Tunisia/88-2011-Eng.pdf>.

69 'Qatar, Tunisia sign agreements', *Gulf Times*, 17th July 2012. Available at [http://www.gulfinthemedias.com/index.php?m=politics&id=609143&lim=&lang=en&tblpost=2012\\_07](http://www.gulfinthemedias.com/index.php?m=politics&id=609143&lim=&lang=en&tblpost=2012_07).

70 'After the Jasmine Revolution: Civil Society Index – Rapid Assessment (CSI-RA) launches in Tunisia', *Civicus*, 14th March 2012. Available at <http://www.civicus.org/news-and-resources-127/766-after-the-jasmine-revolution-civil-society-index-rapid-assessment-csi-ra-launches-in-tunisia>.





**International Alert.**

346 Clapham Road, London SW9 9AP, United Kingdom

Tel +44 (0)20 7627 6800, Fax +44 (0)20 7627 6900

[general@international-alert.org](mailto:general@international-alert.org)

[www.international-alert.org](http://www.international-alert.org)

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