



# Confidence-building in Tunisia after the Popular Uprising: Strategies and Dilemmas of the Interim Government

Jean-Pierre Cassarino

## Abstract

Since the fall of Ben Ali on 14th January 2011, Tunisia has been going through a process of transformation and reconfiguration of the manifold relationships between the state and society. So far, a series of legal amendments and policy provisions have been considered to respond to immediate political demands in the run-up to the next elections. However, the numerous policy steps that have been achieved so far should not conceal resilient challenges pertaining, among others, to the structure of the economy and to its capacity to tackle youth unemployment, poverty in depressed areas, unfair competition, and corruption. The interim government will need to address these deeper challenges lest its credibility be jeopardised and the overall reform process compromised.

**Keywords:** *Tunisia / Government / Political reforms / Legal reforms / Economy / Private sector / Clientelism / Economic reforms*

## **Confidence-building in Tunisia after the Popular Uprising: Strategies and Dilemmas of the Interim Government**

by Jean-Pierre Cassarino\*

Since the fall of Ben Ali on 14<sup>th</sup> January 2011, Tunisia has been going through a process of transformation and reconfiguration of the manifold relationships between the state and society. So far, a series of legal amendments and policy provisions have been considered to respond to immediate political demands in the run-up to the next elections, including the recognition of opposition political parties and the establishment of a genuine multiparty system.

However, the numerous policy steps that have been achieved so far should not conceal resilient challenges pertaining, among others, to the structure of the economy and to its capacity to tackle youth unemployment, poverty in depressed areas, unfair competition, and corruption. The interim government will need to address these deeper challenges lest its credibility be jeopardised and the overall reform process compromised.

This paper sets out to investigate the strategies that the current interim government has adopted so far to persuade Tunisians that genuine reforms are in the making. It shows that the interim government's strategies of "persuasion" have remained so far too ambivalent insofar as they have been based on two levels of persuasion, addressed to two distinct sets of actors whose interests and demands are not necessarily compatible with one another.

### **1. The interim government's "pragmatic expressions of persuasion": Legal and political reforms**

Persuasion is the new catch-word which is gradually weaving its way into the transition process in Tunisia. Whoever experienced the grip of the former regime knows well that the very use of this word marks, in its own right, a watershed in policy-making. The notion of persuasion has inbuilt within it the perceived need for state responsiveness and accountability to its citizens. This was absolutely unconceivable under Ben Ali's autocratic regime, in which coercion and consensus were the rule.

To capture why persuasion is a full-fledged expression of democratic policy-making a small digression is necessary. Persuasion does not require, necessarily, a shared normative stance. It is first and foremost the power to guide and influence the choices and behaviour of others through uncoercive means: language, on the one hand, and

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specific actions, on the other, which come to be viewed as serving popular aspirations and demands.

Admittedly, the power of persuasion is difficult to exercise by an interim government facing unprecedented accountability demands alongside countless and pressing claims, expectations and vocal grievances from the citizens. Caught in the thralls of this situation some political figures of the interim government have used a wavering discourse. Their language has oscillated between empathy towards the population and public justification of the former regime, between respect of the memory of the “martyrs of the revolution” and alarms for the threat of chaos, between calls for deep-rooted reforms and the caution for the need for “stability”, between enthusiasm for the “new Tunisia” and resilient vigilance, between calls for individual responsibility and their newfound awareness of public accountability. Inventing a new art of rhetoric, which clearly contrasts with the one that Ben Ali’s regime had skilfully created through pervasive propaganda, is a learning process, not a given.

At the same time, over the last month, important decisions have been taken by the interim state administration, tilting the balance of the above mentioned oscillations towards progressive change. The urgent search for domestic and international legitimacy and credibility has been the main driver conducive to actions aimed at speeding up political reforms and, above all, at persuading the population that the interim government is determined to break away from the former regime.

After the dismissal of Prime Minister Mohammed Ghannouchi and interim President Foued Mebazaa from the former regime’s Constitutional Democratic Rally (*Rassemblement Constitutionnel Démocratique* - RCD), the RCD was suspended for one month on 6<sup>th</sup> February 2011 by Minister of the Interior, Farhat Rajhi, in accordance with Art. 18 of organic law 88-32 dated 3<sup>rd</sup> May 1988. The formal disbanding of the RCD is set to be requested in the weeks to come by the Minister of the Interior pursuant to art. 19.

This recent ministerial decision is worth mentioning, insofar as organic law 88-32 is precisely the legal instrument that had been introduced in 1988 by the Ben Ali administration in order to counter the political clout of the then *Mouvement de la Tendance Islamique* (MTI). The MTI subsequently changed its name to Hizb En-Nahda, before being outlawed as a political party in 1989, a few months before the parliamentary elections that year. Setting aside this ironic twist of history, the recent decision to suspend the RCD on the grounds of the very same law reflects an important action of persuasion by the interim government. Through this move the interim government aimed at assuaging, at least partly, the pressing demands of Tunisian civil society for radical change, and thus at persuading the public of its good intentions, despite its resilient mistrust.

Beyond the disbanding of the RCD, further major concrete steps were imperative. These were considered during the first two meetings of the council of ministers of the interim government, which took place in early February 2011. Among others, interim President Mebazaa was empowered, with the approval of the parliamentary chambers and the senate, to adopt decrees in accordance with Art. 28 of the Tunisian Constitution. The ability to act and rule by decree is laconically granted by the

Constitution “for a limited period and for a determined objective” to the (elected) President of the Tunisian republic. However, Art. 28 does not explicitly refer to the prerogatives of the interim Presidency. This pragmatic move was sold to the general public as a precondition to enable the necessary amendments to a series of organic laws on political parties, associations, and the press, among others, in order to prepare for free and fair elections.

Importantly, the Tunisian Constitution, in its Art. 57, unequivocally forbids the interim presidency from amending the Constitution and from dissolving the chamber of representatives.<sup>1</sup> This point is of paramount importance to grasp the constitutional hurdles facing the current interim government. For example, the strict eligibility criteria of candidates for the presidential elections, enshrined in Art. 40 of the Tunisian Constitution,<sup>2</sup> will have to be overcome, in order to prevent the undesirable exclusion of various representatives of political parties from being replicated in the next elections. Removing these evident constitutional hurdles to democratic governance is of paramount importance for the current interim government, if it wants to persuade the public of its will and capacity to engage in the most urgent reforms to respond to social pressure and expectations. At the same time, behind this search for persuasive actions, premised on the liberal use of Art. 28, lies the well-founded fear that the “limited period” might *de facto* protract itself indefinitely. In this respect, the interim government’s acts of persuasion should include a clear and publicized roadmap of reforms and deadlines leading up to the presidential elections. Doing so is imperative in order to respond to social anxieties and to counter doubts among civil society, trade unions, and opposition political parties. Such a roadmap is of paramount importance to generate confidence and prevent instability. A full-fledged strategy of persuasion would require that.

## **2. Responding to deeper claims and expectations: Rehabilitating political opponents and establishing the national commissions**

Concomitantly, a number of ministerial decisions have been taken to rehabilitate political opponents and political prisoners as well as civil servants, lawyers, judges, journalists, teachers and university professors who were subjected to ostracism and sanctions under the former regime. The substitution of governors, as well as the dismissal of numerous high-level police officers and administrators in public-owned enterprises, have been ordered. Three national commissions have been created to respectively 1) propose political and legal reforms, 2) respond to the grievances on ill-treatment committed since 17<sup>th</sup> December 2010 onwards<sup>3</sup> and 3) inquire about cases of embezzlement and corruption during the former regime. These three commissions have only a consultative capacity aimed at facilitating the work of the judiciary and the executive at a later stage. In addition to shedding light on cases of violence by the police against citizens and bringing abuses and cases of corruption to justice, these

<sup>1</sup> Art. 57 of the Constitution reads: “During the interim presidency, the Constitution cannot be amended, nor can a motion of non-confidence be put against the Government” (“Il ne peut être procédé, au cours de la période de la présidence par intérim, ni à la modification de la constitution ni à la présentation d’une motion de censure contre le Gouvernement”), translation by the author.

<sup>2</sup> See Art. 40 of the Constitution: <http://www.jurisitetunisie.com/tunisie/codes/constitution/const1020p.htm>.

<sup>3</sup> On 17<sup>th</sup> December 2010, uprisings started in the city of Sidi Bouzid.

three commissions have also the task to channel the deeper grievances of the population as a whole, and to build confidence between society and the interim state administration. The attempt at confidence-building is also evident in the Ministry of the Interior's atypical communication campaign based on several broadcast and press interviews and on the recent creation of a Facebook profile. At the time of writing, it is too early to tell whether the three commissions will have any impact on the planned reforms or even shape the process of transition. However, there is no question that their existence generates strong expectations to which the state administration will have to respond, for the sake of stability, despite the constitutional hurdles mentioned above.

### **3. Pending challenges: Ridding Tunisia of the regime's legacy of "participatory development" and tackling the pyramidal private sector**

All these legal and political steps are necessary, if not crucial. However, as Georges Corm incisively emphasized in a recent article in *Le Monde*,<sup>4</sup> prioritizing the political claims of the middle class over the claims for social and economic justice of the disadvantaged sections of the Tunisian population might be conducive to greater social discontent and desperation in the long run.

Beyond the above mentioned reforms, deeper sweeping measures will have to be implemented in order to address the roots of social discontent and inequalities in Tunisia. In the economic field, the interim government plans to establish two further commissions aimed at 1) promoting investments in depressed areas and 2) dealing with private companies suspected of belonging to entrepreneurs involved in cases of embezzlement and corruption. Whereas such measures have an immediate political relevance, further proactive measures will have to be considered in order to sustain the expansion of the private sector, promote job creation and tackle youth unemployment and poverty in Tunisia's depressed areas.

Admittedly, a process of economic liberalization has been promoted since the 1980s by the former regime, particularly following the 1995 Association Agreement between the Government of Tunisia and the EU, leading to the emergence of a business-friendly institutional environment. However, state divestiture and the resilience of oligarchic economic interests also characterized Tunisia's model of top-down "participatory development", as the former regime's official rhetoric had dubbed it. In a context of induced economic openness and tariff dismantling, the state and its leadership set out to buttress their central position and control over the economy. Zealous private entrepreneurs who challenged the centrality of the state were defamed in the official press or urged to quit. Such coercive measures emblematically revealed the threshold beyond which autonomous private initiatives could not prosper without the prior approval of the ruling party and the presidential leadership.

Tax aggressiveness and administrative harassment were the most common instruments used against employers who were viewed as jeopardizing the regime's putative "alliance between economic growth and social stability". Tax aggressiveness

<sup>4</sup> Georges Corm, "Quand la 'rue arabe' sert de modèle au Nord", *Le Monde*, 11 February 2011.

constituted not only a means of strengthening the control of the state on overzealous entrepreneurs, but also publicized the moralistic principles on which the regime built its self-image as a social provider. Moreover, cumbersome bureaucratic procedures, lengthy customs clearance procedures, high interest rates in the banking sector, piecemeal privatizations, incomplete state divestiture, to mention a few, have had a strong bearing on the configuration of the private sector. Although access to entrepreneurship has been markedly promoted in Tunisia, at least officially, its controlled expansion has been a concomitant objective of the regime.

The various strategies that private entrepreneurs have had to adopt, for the sake of their business survival, are too diverse and complex to be extensively surveyed here. Some opted to diversify their business activities, others invested abroad, others still set out to reduce their transaction costs by concentrating their industrial activities into conglomerates, in strategic sectors such as manufacturing, transport, food-processing, tourism, and construction.

The adoption of the EU-sponsored *Programme de Mise à Niveau* (PMN), in Arabic *at-tâhyl ach-châmil*, aimed at upgrading and restructuring the private sector in order to face greater exposure to international competition through gradual tariff dismantling, was expected to buttress the competitiveness of Tunisian private enterprises. Far from doing so, the PMN actually contributed to reinforcing the interference of the state and its public administration into the private sector. It did so by selectively allocating financial and informational resources to a number of entrepreneurs with a view to modernizing their (and only their) production lines, and to sustaining their (and only their) export capacities.

Any Tunisian citizen is well aware that the way in which the PMN was reinterpreted by the former regime went far beyond its initial remit. Since its inception in 1996, it has encompassed all spheres of society. It was viewed by President Ben Ali as a “qualitative change of mentalities, behaviours, organizational behaviours, management, as well as of the distribution of roles in society”.<sup>5</sup> It was recurrently presented by the official media as “the challenge of a civilization” and as a “historical bet”. The PMN was also an instrument aimed at fostering social and political consensus, or alignment, with regard to the choices of Ben Ali, the self-proclaimed “craftsman of the New Era”.

In the economic field, the PMN contributed to building a pyramidal private sector. It did so by distributing “title of nobility” to leading entrepreneurs, by co-opting the Tunisian employers’ union (UTICA), by promoting Tunisian corporate groups through opaque mergers, takeovers, and the promotion of corporate venture capital and, last but not least, by channelling politically FDI in order to monitor and keep under control economic openness.

This pyramidal structure, based on clientelism and cronyism, was key to legitimizing the top-down framework of “participatory development” mentioned above, and to securing the centrality of the state and its political ramifications (i.e., the ruling party, public bodies, state-sponsored associations, professional associations). Moreover, the political promotion of Tunisian corporate groups and leading entrepreneurs enabled

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<sup>5</sup> “Esprit d’initiative, effort et don de soi pour renforcer la société civile”, *La Presse*, 24 April 1997.

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strategic business alliances between conglomerates and foreign investors to be built without challenging the oligarchic structure of the Tunisian private sector.

Given the strength of such business alliances between Tunisian conglomerates and their European counterparts, a decisive change of the pyramidal structure of the Tunisian private sector is no small feat, considering its impact on employment and on the survival of subcontracting small enterprises in the Tunisian private sector. This may explain why the interim government has been concerned more about persuading foreign investors of its intention to stabilise the situation than about tackling the roots of the pyramidal structure of the Tunisian private sector so far.

Nonetheless, this does not mean that economic reforms will not be introduced *gradually*, for example through a revision (by decree) of the labour code and of the investment incentives code. Nor does it mean that the plethora of public institutions that have mushroomed over the last twenty years to promote top-down “participatory development”, will not be gradually streamlined or restructured in order to facilitate equal access to private entrepreneurship.

#### 4. Concluding remarks

So far, perhaps for the sake of political legitimacy, the current interim government has not proactively addressed the pyramidal structure of the Tunisian private sector sketched above. However, several factors bode for cautious optimism. Firstly, the main trade union, the *Union Générale des Travailleurs Tunisiens* (UGTT), has gained momentum over the last months. Secondly, growing expectations are emerging from workers in general, in terms of social and labour rights; rights which the former regime gradually suffocated by promoting job flexibility and precariousness in all economic sectors. Thirdly, as explained above, the state is now faced with an unprecedented level of public accountability that it can no longer shy away from. Tunisian citizens are well aware that freedom of expression is more than a value to be treasured; it determines the contours of a changing relationship between themselves and the state and may also contribute to shaping the upcoming social and political developments in the country, since 14<sup>th</sup> January 2011. Tunisian citizens are gradually organising themselves through vibrant civil and political bodies, freed from the interference of the former ruling party. Fourthly, a growing number of Tunisian entrepreneurs – those who directly or indirectly suffered from tax aggressiveness and administrative harassment in the past – are organizing themselves to monitor the interim government’s willingness to inquire into cases of embezzlement and corruption during the former regime.<sup>6</sup>

Now that thinking differently is no longer viewed as deviance and that the Tunisian state has become accountable to its citizens, it has become more vital than ever for Tunisians to develop intellectual self-defence against subtle forms of resilient autocracy.

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<sup>6</sup> See “Tunisie SA: L'heure des comptes”, *Jeune Afrique*, 14 February 2011.



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