



**Political and Institutional Transition, Good Governance, and Transitional Justice
in Post-Revolutionary Tunisia**

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Abstract:

The upheavals in the countries of North Africa and the Middle East turned the region into a global focal point in recent years. The Arab Spring, the conflict between Israel and Palestine, and the development of political ideologies are amongst the key issues in international politics. Currently the Middle East and North Africa is engulfed in an unprecedented outburst of popular protests and demand for reform. The study analyzes the opportunities that emerged when the Arab uprisings were conceptualized as moments of transformation rather than as emerging transitions to democracy. Highlighting critical issues that cut across and link the experiences of political relevant elites and mobilized publics in the cases of Egypt, Libya, Tunisia, and Yemen, it identifies three sets of issues that certified further comparative research: the patterns of state-society relations on the trajectory of Arab uprisings; the role of identity politics and non-state forms of solidarity as drivers of political mobilization and collective action, and the impact of these forms of collective actions on possibilities for establishing stable, legitimate forms of governance; the limits of civil societies and the role of leadership in influencing transitional processes.

Key words: Arab Spring, Egypt, Tunisia, democracy, transition, political mobilization

INTRODUCTION

The Arab Spring was triggered through a young man's death by self-immolation in Saidi Bouzizi, Tunisia, December 2010. Mohamed Bouazizi, was a Tunisian street vendor who set himself on fire in protest of the arbitrary confiscation of his products and probably also in reaction to the poor living conditions forcing young and educated people to sell fruit in the streets in order to survive financially. This dramatic event was followed by local protest in Tunisia, which eventually grew larger and spread throughout the Middle East and North Africa. These nationwide protests caused the fall of many long-lived dictators in the region. However, once dictators were overthrown, the countries took dramatically different paths in their struggle to create a democratic foundation. Many of the countries have now fallen back in old political patterns, suffering from economic stagnation and political violence with no end in sight. Almost a decade later a majority of the countries are still ruled by arbitrary corrupt forces, with the exception of Tunisia.

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Tunisia presents in many ways a successful case of transition in the North African region, making it of a great geopolitical significance for democratic studies. So far the country has held seven elections and formed a new constitution. Political groups have managed to build an effective political structure, which is a sharp contrast to neighboring countries like Egypt. This research examines Tunisian democratic transition and underlines the extent to which Tunisian political elite engaged in a democratic political practice. The Tunisian revolution, often referred to as the "Jasmine Revolution", offered a great opportunity to leave behind a gloomy past tainted by long years of despotism and to lay the foundations of popular, representative and direct governance deeply rooted in people desire for freedom and justice. Accordingly, the research will first analyze the new political landscape and the major political powers contributing to the unfolding democratic transition. Second, the relationship between these actors will be underlined by discussing their approaches to democracy and their willingness to inaugurate a stable and sustained democracy that fits with a unique Tunisian model. The aim of this research is to examine the role of internal political factors that have had contributed to the relative success of the transitional phase in Tunisia?

RESEARCH METHODOLOGY

The method used to analyze the material – which consists of articles published in academic journals and books – is a qualitative content analysis. Qualitative content analysis refers to text analysis where nothing is counted or measured; it is rather about interpretations of the material. Content analysis is a suitable methodological approach for drawing conclusions from a material consisting of text that is believed to include a certain meaning, by searching for different themes or categories in the studied sources. The intention is to search for themes or categories in the material that can be linked to the theoretical framework. Evaluating the implicit content will not add any important information critical for the research at the same time as the analysis of the latent content of the material can affect the reliability of the results. In summary, this methodological approach involves a systematic reading of the material with the ambition to search for indicators derived from the theories.

THEORETICAL FRAMEWORK

This section aims to explain the democratic transition through a theoretical framework. In doing so, it seeks to define the concept of democratic transition. This section explains the levels of the political development, and how these levels can apply on to Rustow's theory. It analyzes the role of the military, civil society, leadership and political parties during the transition in Tunisia. According to O'Donnell, "transition is supposed to be from a democratically-elected government to a democratic regime or, equivalently, to an institutionalized, consolidated democracy." (O'Donnell, 1993). Moreover, the essential aim of the transition is to create a government that represents the people. The elected government is required to find a mechanism for the transition to a democratic system. The most prominent theorists in the transitional school is Dankwart A. Rustow (1970). He identified some primary stages followed by all countries during the democratization process. These phases are background condition, preparatory, decision, and habituation (Rustow, 1970).

The first phase aims to achieve national unity through a common political identity of the majority of the community. "The vast majority of citizens in a democracy-to-be must have no doubt or mental

reservations as to which political community they belong to” (Rustow, 1970). This phase is witnessing a sharp conflict between the political forces. This political conflict is “inconclusive”. The goal of this stage is to focus on the democratic process as basis and essence of the political conflict. “A struggle is likely to begin as the result of the emergence of a new elite that arouses a depressed and previously leaderless social group into concerted action.” (Rustow, 1970). In the next phase the state begins to shift towards democracy, and that is when the political forces agree on a democratic choice. “The preparatory phase is deliberate decision on the part of political leaders to accept the existence of diversity in unity and, to that end, to institutionalize some crucial aspect of democratic procedure” (Rustow, 1970). The final phase is the consolidation of democracy. At this stage, the political forces get used with the rules of democracy. “A distasteful decision, once made, is likely to seem more palatable as one is forced to live with it” (Rustow, 1970).

In addition to the above, this research sees the theory of Rustow much closer to explaining the democratic process in the Arab spring, especially in Tunisia. The method of Rustow considered as a mechanism or model can be applied to the case of Tunisia. In the first phase of Rustow’s theory, Tunisia managed to achieve political identity by the Troika experience (A coalition consists of Islamist and secular parties). In the second phase of Rustow’s theory, Tunisian political forces succeeded in reaching apolitical settlement. In the third phase of Rustow’s theory, political forces decided to adopt the rules of the democratic game through the presidential election in Tunisia that took place in 2014. In the final phase of Rustow’s theory, Tunisia is in the third phase. The consolidation of democracy might take long to happen in Tunisia. In other words, democratic rules of the game need to be happens at many stages. Back to Rustow’s theory, the elite plays a very important role in the democratization phases. By looking at the elites in Tunisia, it can be found that elites doesn’t exist in vacuum they are an integral part of the military institution, civil society organizations, and the political parties.

LITERATURE REVIEW

The literature on this topic is quite extensive even though it has only been five plus years since the Arab Spring occurred. Jamil Jreisat’s book covers the developments, policies and the administrative capabilities to accomplish this within the Arab world. It does not play a major part in this research but has one nonetheless (1997). Almost all Arab leaders, points out Jreisat, have promised bureaucratic reforms. However, their political administrative structures have not succeeded in building the institutions necessary to meet societal needs. And neither have they cultivated a professional managerial class with skills, commitment, and ethics compatible with development objectives. Abo Baaklini at el (1999) describe a comparative analysis of the legislative politics of the Arab world by analyzing them through the lens of the democratic institutions present and those institution’s capabilities. While none of these have an overarching impact on this project they exemplify the related literature on the topic. As well as provide important background information about each cases unique experience with democratization and how that experience influenced each of the case study’s Arab Spring experience.

Brynen et al., (2012) book is published by think tank as a means of giving a comparative analysis of what occurred during the Arab Spring and what it means for the region. As well as giving individual analysis of what the Arab Spring means for each individual state and how each state reacted to it, which proved to be an invaluable source to this study. Heydemann (2015) presented the research by contributors to the special issues in Middle East, this article assesses the analytic opportunities that emerge when the Arab uprisings are conceptualized as moments of transformation rather than as incipient, flawed or failed transitions to democracy. Highlighting critical issues that cut across and link the experiences of political relevant elites (PREs) and mobilized publics in the cases of Egypt, Libya, Tunisia, and Yemen, it identifies three sets of issues that warrant further comparative research: the effects of state-ness and patterns of state-society relations on the trajectory of Arab uprisings; the role of identity politics and non-state forms of solidarity as drivers of political mobilization and collective action, and the impact of these forms of collective action on possibilities for establishing stable, legitimate forms of governance; and the limits of civil societies and civic sectors in influencing transformational processes.

DISCUSSION AND ANALYSIS:

Causes of Arab Spring in Tunisia

Corruption:

One of the main causes of anti-government anger is the graft and nepotism practiced by Ben Ali's family. The members of Trabeshi's family control a majority of economic assets almost in all sectors in Tunisia such as banks, insurance, distribution, transportation, tourism, and real-property. They did not only hold only in Tunisia, but also in foreign countries such including France, Switzerland, Argentina, and the United Arab Emirates (El-May, 2013).

Economic Stagnation and unemployment: Unemployment is another key factor that cause the revolution. In the past, according to the government's estimation, the unemployment rate has risen to 14%. Goods and almost everything such as food has become harder to buy. Many of the unemployed are young college graduates who educate in Tunisia's public schools and free post-secondary education. They see themselves could not make a living. The low rated of labor violated the unspoken bargain struck between Ben Ali's authoritarian regime and nation's people (Aiden, 2012).

Shrinking Press Freedom: Tunisia has a long image of restriction on the rights of expression and press. A report from the International Federation of Journalists claims that, from May 2009 to May 2010, the press faced one of its worst years since independence. Local television channels are under the state 'state-run television,' and the Internet is also under the tight of the government (Aiden, 2012).

POST-REVOLUTIONARY TUNISIA: PROSPECTS AND CHALLENGES

In terms of internal challenges, the Tunisian transition and democratic consolidation process has to cope with different problems such as the decomposition, fragmentation and tension between different political parties and camps, the phenomenon of political violence, the economic-financial and socioeconomic crisis, or the debate on a future societal consensus or inclusive society model allowing for the inclusion of all societal groups and factions.

Political and Institutional Transition, Good Governance, Transitional Justice in Tunisia:**The Socioeconomic Challenge:**

Despite the fact that Tunisia has a high level of human development and is sometimes praised as a regional leader in gender equality, significant inequities remain, some of which are structural. Tunisia, which is ranked 95th out of 189 nations in the 2017 Human Development Index, is in the bottom half of nations with "high human development," as defined by the UNDP. Its score of 0.735 is somewhat higher than the previous edition and ranks third among non-oil Arab nations behind Lebanon and Jordan. This reflects better health, education, and income outcomes, albeit the rate of progress has slowed in recent decades. Tunisia's HDI score is 22 percent lower when corrected for inequality, which is higher than the average deduction of 16 percent for nations with high human development. Tunisia's GDP per capita was \$11,911 in 2017, according to the World Bank.

The country's Gini coefficient was 35.8 in 2010 (the most recent data available), down from 40.8 a decade earlier, indicating a decrease in inequality. According to official statistics, the poverty rate in 2015 was 15.2 percent, down from 20.5 percent in 2010 and 23.1 percent in 2005. In 2010, 9.1 percent of Tunisians lived in poverty, based on an income criterion of less than \$3.20 per day at 2011 international PPP-adjusted prices. National averages, on the other hand, obscure major inequalities, such as gender discrepancies and geographical discrepancies.

Tunisia's total unemployment rate was 15.5 percent in the third quarter of 2018. Nonetheless, women accounted for 22.8 percent of the total, while males accounted for 12.5 percent. Higher education graduates were more likely to be unemployed, with a gender divide of 18 percent male and 38.7% female unemployment in the first quarter of 2018. In 2016, regional unemployment rates ranged from 32 percent in the southern governorate to 6.6 percent in Monastir.

The Gender Development Index of the United Nations Development Programme (UNDP) finds significant disparities: Females have a longer life expectancy at birth (78 years) than males, according to 2017 statistics (73.9 years). However, the average number of years spent in school is lower (6.4 vs. 7.9), and the anticipated gross national income per capita (in 2011 \$PPP) is substantially different: \$4,537 for females vs. \$16,152 for males. Despite its status as a regional pioneer for women's rights, Tunisia falls into the bottom fifth of nations due to an absolute divergence from gender parity in HDI values.

Tunisia's authoritarian legacy is still visible, despite continuing changes. Since the revolution, the state-dominated economic structure has scarcely altered, portions of Tunisia's legal system lag behind the progressive constitution, and security forces have yet to be held completely accountable for continuous human rights violations. Corruption persists in both public and private institutions, and the court continues to function outside of democratic norms.

Despite the fact that many of the present lawmakers were part in the constitution's development, members of Tunisia's parliament have failed to meet deadlines set forth in the 2014 constitution. Egypt, on the other hand, has had paradoxical economic advances. On the one hand, the administration has taken additional efforts to reorganize the economy by moving through with an IMF-mandated reform programme. It passed a series of new legislation aimed at luring investment, implemented austerity measures to decrease government spending, and changed the tax system,

among other things. Indeed, as seen by improving growth rates, a rebound in foreign currency reserves, and an increase in exports, this resulted in optimistic macroeconomic statistics.

Tunisian youth continue to endure persistent structural difficulties that date back to Presidents Bourguiba and Ben Ali's post-colonial authoritarian administrations, which strangled political liberties and entrenched socio-economic and geographical inequities. The growing chasm between the political class and the general public, as well as entrenched corruption, which were key triggers of the revolution, continue to shape the political landscape of post-revolution Tunisia, particularly among key demographics like youth, women, and regional communities (Perletta, 2018).

The younger, in particular, are exhibiting signals that a lack of political responsibility is translating into a loss of confidence, which is showing itself in a deep feeling of indifference toward political processes and institutions. Given the importance of youth in the various revolutions, their assigned status as youth in eternal waithood is a problematic reflection of the political transition's existing constraints. This indefinite time of 'waithood' is symbolic of the country as a whole as it moves away from its colonial and authoritarian past and into a free, independent, and really democratic society (Ang, 2020).

Popular Support for and Desire for Democracy

Another way to studying democracy connects the character of mass ideals and mass culture to the chances for a successful democratic transition. Both philosophically and methodologically, mass culture is a difficult idea. The basic assumption of this approach is that effective democratization is determined by how devoted ordinary folks are to core democratic institutions and ideas. The World Values Survey, several Barometer initiatives, and the Pew Charitable Trust all base their research on this assumption. It does not appear that widespread acceptance of democratic culture is "a requirement for the commencement of democracy". This is particularly evident in Latin America, where Mainwaring and Perez-Linan find no correlation between public opinion surveys on democracy and changes in regime type over time (Eckstein, 2001).

Survey-based measurements of mass values give little leverage in understanding Tunisia's and Egypt's dissimilar courses. According to the Arab Barometer polls of Egypt and Tunisia, 79 percent of Egyptians thought democracy to be the greatest form of governance in 2011, compared to 70 percent of Tunisians. Similarly, 98% of Egyptians said democracy was an excellent or very good match for Egypt, whereas the average Tunisian thought democracy was somewhat suited for Tunisia.

In 2012, the Pew Charitable Trusts reported virtually equal levels of support for democracy in Egypt and Tunisia, with Egypt slightly outperforming Tunisia (67 percent of Egyptians vs 63 percent of Tunisians considered democracy to be the preferable form of government). Furthermore, when asked if a robust economy or robust democracy was more important, Egyptians prioritized democracy 48 percent of the time, whereas Tunisians prioritized democracy just 40 percent of the time

Role of Political Institutions

Political institutions were recognized as the "missing variable" in the research of regime transition by the late 1990s (Francis, 2018). Political scientists are increasingly emphasizing the importance

of a country's historical institutional endowment in determining its possibilities for democracy. Some scholars argued that the various institutional characteristics of authoritarian regimes—whether patrimonial, single-party, military, or "post-authoritarian"—produced consequentially diverse patterns of regime susceptibility to disintegration or consolidation (Franklin, 2009: 700-714).

Tunisia's democratic institutions, which were formed under the 2014 constitution, work efficiently, but not without conflict. On a national level, shifting political alignments have caused tensions between political parties and between Prime Minister Youssef Chahed's ministry and President Beji Caid Essebsi's administration. The long-delayed process of decentralization was finally set off in May 2018 with the conduct of municipal elections, which should allocate more resources and political decision-making to the local level. This element of the third branch of government has yet to be constituted due to a lack of agreement on the selection of justices to the Constitutional Court (Singh, 2020).

While there is widespread disagreement regarding the political system's architecture, no prominent political group intends to publicly dismantle the democratic order in its entirety. The two main political parties, Ennahda and Nidaa Tounes, essentially formed a coalition during the most of the review period. This alliance came to an end without a constitutional order from either party. Democratic values are promoted by key non-governmental groups (2020 BTI Report).

Democratic institutions, in the eyes of the president, the military, and the security apparatus, exist to wield the regime's authority rather than to oversee and control it. As a result, they ensure that they are outside the reach and control of those institutions, as evidenced by the military's special constitutional standing. The 2014 constitution guarantees that all citizens have equal rights and are not discriminated against. In practice, however, civil freedoms are routinely curtailed, and the majority of Egyptians feel powerless in the face of official agencies such as the police and bureaucracy. Women, like people who, in some way or another, do not conform to the ideal of the "typical Egyptian," continue to fight for equal rights (Abdou & Skalli, 2018).

After a rainbow flag was flown at a performance in September 2017, for example, the media launched a smear campaign against gays. Citizens with opposing political views are disproportionately targeted, as seen by a record number of 60,000 political detainees, according to Human Rights Watch. Excessively extended pre-trial detentions, torture, forced disappearances, and extrajudicial killings are also commonplace. The pressure on organizations and individuals that help victims of such acts is ongoing.

Rule of Law

The idea of the rule of law is broad. The term's various meanings have resulted in conceptual cacophony. Almost all definitions include the idea of "restricting the arbitrary use of power by subordinating it to clearly defined and established rules," and most include words like fairness, equal treatment, predictability, and transparency in their language.

However, the users' diverse aims and institutional perches usually result in variances in both focus and treatments (Noueihed & Warren, 2012). According to the 2014 constitution, Tunisia's political institutions function under a semi-presidential system. The executive powers of the president of

the republic and the president of the government (prime minister) are shared. Domestic policy dominates the prime minister's portfolio, whilst the directly elected president is in charge of foreign affairs, defense, and national security. The president is expected to advise the government in his policy areas under the complicated power-sharing arrangement. In practice, the current president, Beji Caid Essebsi, has tried to consolidate power in the presidency, which was historically where it was placed before to the 2011 revolution constitution determining the interim or definitive vacancy for the office of president of the republic (Noueihed & Warren, 2012).

In its absence, there is a risk of an unconstitutional transfer of power. The Electoral Commission, the Audiovisual Communication Commission, and the Human Rights Commission are constitutionally mandated technical agencies that act as checks on elected institutions. Though not all of the commissions have been constituted, several have been criticized for appointing political members. Some restrictions on Tunisia's judiciary's independence remain in place (Omri, 2016)

The court is institutionally distinct, but corruption, a lack of resources, and violations of human rights enshrined in the 2014 constitution and appropriate process pose serious obstacles. Civilians are sometimes prosecuted in military courts. Many Tunisians believe that the political shift has resulted in "democratization," rather than a reduction in corrupt behaviors. Bribery is a regular occurrence in everyday life, with the security and healthcare industries apparently being the most impacted. INLUCC, the anti-corruption body, revealed in its annual report for 2017 that it had received over 9,000 complaints, about half of which were within its jurisdiction. It referred 245 instances to the courts. Cases, on the other hand, take four to seven years to be decided by the courts (McCarthy, 2018).

Polls suggest that people are dissatisfied with the rule of law. Authorities who commit crimes "always" go unpunished, according to more over half of respondents in the 2018 Afro Barometer Survey, while officials "often" go unpunished, according to 22%. Only 4% believe authorities "never" go unpunished, while 14% feel authorities "rarely" do. Furthermore, 61 percent of respondents felt that disclosing corruption occurrences may result in retribution. Multiple civil society organizations criticized a presidential pardon in December 2018 for a former political consultant to Nidaa Tounes and ex-president Ben Ali in a highly known financial corruption case (Singh, 2020).

Tunisia's civil liberties are well-protected under the constitution. Equality before the law; the right to life, human dignity, bodily integrity, privacy, citizenship, and refuge; the presumption of innocence and due process; and humane treatment, political, and social rights are all protected by 2014 constitution. There are also constitutional protections in place to prevent any of these rights from being violated. However, neither the body of legislation nor the state's institutions properly represent or respect these rights. Despite advancements in legislation on due process, discrimination, and gender-based violence, certain groups in society continue to be disadvantaged, not least because authorities do not consistently apply the applicable laws (Perletta, 2018).

The state of emergency has been in place since November 2015, and it has had a negative impact on civil freedoms. According to Human Rights Watch, hundreds of Tunisians remain under house arrest as a result of the state of emergency, albeit conditions have improved. The S17 travel restrictions was imposed on many of those who were placed under house arrest. Individuals

suspected of joining a terrorist organization fighting in another country may have their mobility limited both locally and internationally as a result of this policy (Sadiki, 2009).

CONCLUSION

In sum, the challenges for consolidating a democratic system in Tunisia are still numerous and multifaceted. The future developments will largely depend on the interplay and cooperation between the new political majorities and the opposition, on the implementation of the new constitution, but also on the development of the regional environment, the support by the international community, and last but not least on the resilience to financial and economic pressures and security threats. In terms of political freedoms, there has been an important liberalization after the fall of the Ben Ali regime. In particular, the media is less controlled, and the freedom of opinion and freedom of expression have increased. The political climate has changed and developed.

According to different international indices, the democratic consolidation process in Tunisia is advanced in terms of democracy, good governance and human rights, and especially in terms of ratification and signatures of international conventions. Tunisia has many trump cards for a consolidated democratization process: committed elites, an important middle class, committed civil society, a social acquis, a viable education. The Tunisian Transition torn Between Democratic Consolidation and Neo-Conservatism in an Insecure Regional Context system and important human capital, and last but not least an important disposition for political compromise and consensus finding (Sold, 2018).

Tunisia is in the middle of reinventing its political system and society project. Inclusion of the different political factions and societal groups will be one of the keys, alongside a fair and transparent distribution of prosperity, social cohesion, employment, transitional justice, security, and development of the poorer regions and professional future perspectives for the young generation (Chomiak & Parks, 2019). However, post-2011 Tunisia has the most democratic and liberal political system in the region (Economist Intelligence Unit 2017; Freedom House 2018), the political transition remains a highly fragile process. Notably, crucial parts of the new constitution, such as the creation of a constitutional court, have not yet been implemented. Although police violence was a major factor behind the Tunisian uprising, abusive behavior from the security services, ranging from harassment to torture, is making a comeback. The rise of insufficiently regulated police unions that are able to pressure judges and politicians is preventing officials' misdemeanors and felonies from being sanctioned, and obstructing more serious security sector reform (Esmail, 2016). Meanwhile, the political spectrum is fragmented: parties are not yet highly institutionalized and are facing questions about their internal democratic processes.

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Date of Publication	June 25, 2021
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