

Tunisia's 2013 National Dialogue

Political Crisis Management

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Abstract

On July 25, 2013 the drafting of a new constitution by the Tunisian Constitutional Assembly reached a complete impasse, following the assassination of opposition politician Mohamed Brahmi that very day. Fears mounted that the fragile democratization process would come to a halt. In 2011, free and fair elections had brought the Islamist democratic party Ennahda to power, which had formed a government with two smaller opposition parties. Simultaneously, other “old” opposition forces underwent internal reforms and strengthened their position in the new political landscape. Instead of building strong coalitions, these “old” forces re-activated old struggles and disputes. Only in July 2013, during the critical moment, did the political forces realize that they needed to enter into negotiations and dialogue with each other to save the country. The so-called Quartet was formed, which managed to convince most parties represented in the National Constitutional Assembly to accept their road map and enter into negotiations focusing on three main issues: governmental, constitutional and electoral. The National Dialogue did not unfold as a well-planned process with a thought-through design, but rather was a response to an acute political crisis. Hence, the Tunisian National Dialogue served as an instrument for crisis management, implemented while the crisis was still unfolding. The Tunisian National Dialogue was an ad hoc process, with many actors engaged on different levels and several parts of the process taking place at the same time.

About this Publication

This publication was produced in the framework of a two-year project (March 2015 – April 2017) to develop a Handbook on National Dialogues funded by the German Federal Foreign Office in cooperation with the Swiss Federal Department of Foreign Affairs. The purpose of the Handbook is to offer a practice-oriented guide for comprehensively designing and implementing National Dialogues. It rests on participatory methods including 1) strategic dialogue and exchange between local stakeholders, international development and peacebuilding practitioners, and policymakers, 2) a comprehensive mapping exercise of National Dialogues across the world, and 3) in-depth case studies on National Dialogues produced by local researchers. The project is implemented by the Berghof Foundation, in cooperation with swisspeace. This publication is one of seven case studies; others include Guatemala, Lebanon, Libya, Mali, Nepal, and Sudan. The case studies provide recommendations for on-going processes in the specific country and inform the Handbook's findings. The overall aim of the project is to improve National Dialogues and enhance the capacities and contributions of conflict parties, local stakeholders and external actors towards their successful implementation.

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The views expressed in this publication also do not necessarily reflect the views and opinions of the Berghof Foundation and swisspeace or their project partners.

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ACRONYMS AND ABBREVIATIONS

ANC	Assemblée Nationale Constituante (National Constituent Assembly)
EU	European Union
ISIE	Instance Supérieure Indépendante pour les Élections (High Independent Instance for the Elections)
LTDH	La Ligue Tunisienne pour la Défense des Droits de l'Homme (Tunisian League for Human Rights)
NGO	Non-governmental organisation
ND	National Dialogue
ONAT	Ordre National Des Avocats De Tunisie (Tunisian Bar Association)
UNDP	United Nations Development Program
UGTT	L'Union Générale Tunisienne du Travail (General Union of Tunisian Workers)
UTICA	Union Tunisienne de l'industrie, du Commerce et de l'Artisanat (Tunisian Union of Industry, Trade and Handicrafts)

Political Parties

CPR	Le Congrès pour la République (Congress for the Republic)
Ennahda	<i>Hizbu Ḥarakatu n-Nahḍah</i> , Renaissance Party
Ettakatol	<i>at-Takattul ad-Dīmuqrāṭī min ajl il-'Amal wal-Ḥurriyyāt (Forum démocratique pour le travail et les libertés, FDTL)</i> (Democratic Forum for Labour and Liberties)
Jabha	Popular Front for the Realization of the Objectives of the Revolution
Joumhourī:	Republican Party
Nidaa Tounes	Call for Tunisia
PDP	Parti Démocrate Progressiste
POCT	Parti Communiste des Ouvriers de Tunisie (Tunisian Workers' Communist Party)
RCD	Rassemblement Constitutionnel Démocratique (Democratic Constitutional Rally)

1 Introduction

'Aut inveniam viam aut faciam'

'I shall either find a way or make one'¹

On 25 July 2013 the drafting of a new constitution by the Tunisian Constitutional Assembly came to a complete deadlock due to the assassination of the opposition politician Mohamed Brahmi that very day. It was the second politically-motivated assassination in 2013, with the murder of Chokri Belaïd in February of that year being the first, leading to a severe aggravation of the political situation and a split between, on the one side, the government lead by the Islamist party Ennahda and, on the other side, new coalitions of left-wing and secular forces and parties.

After the popular uprising in 2010-2011 against the authoritarian regime and the ousting of President Ben Ali on 14 January 2011, Tunisia found itself without anchored democratic traditions, structures and institutions. Leading politicians, lawyers, civil society actors and intellectuals agreed at a very early stage that Tunisia would embark on the lengthy and difficult task of managing transition through the drafting of a new constitution that would define the new form of governance and lead to elections. The road to the new constitution and an elected government was paved with challenges and stumbling blocks, and by the end of July 2013 the process broke down and came to a complete halt. The political crisis threatened to undermine the nascent transition and democratisation process in the country.

At this critical moment politicians and civil society actors engaged in a difficult but successful **National Dialogue**: Tunisia's General Labour Union, UGTT (Union Générale Tunisienne de Travail) led the formation of a *Dialogue Quartet*, which managed to break the political deadlock through the negotiation of a roadmap which re-established a political framework for finalising the draft constitution. The National Dialogue succeeded: on 26 January 2014, Tunisia's 146-article draft constitution was adopted by the Constitutional Assembly.

The function and objective of the Tunisian National Dialogue unfolding from 25 June 2013 to 26 January 2014 was **crisis management**. The National Dialogue aimed at breaking a political deadlock between the Islamist-led government and the left-wing and secular opposition. It did not address other pressing issues such as fundamental changes in the state-society relation, reforms and far-reaching institutional changes, the economy and unemployment, and broader national reconciliation, which were fundamental demands in the popular uprising of 2010-11. Hence, the National Dialogue only addressed the tip of the iceberg while the deeper roots of the conflict remained unaddressed.

This country study of Tunisia's National Dialogue is part of the Berghof Foundation's project 'National Dialogue Handbook. A Guide for Practitioners'. The aim of the country study is to gather lessons-learned from the experiences of the National Dialogue in Tunisia. In a broader National Dialogue context, this can contribute to outline needs and possibilities for praxis-orientated support of National Dialogues.

The study points to four main issues which differentiate the Tunisian experience from other National Dialogue processes and hence are important to bear in mind while reading the study.

¹ Statement attributed to the Punic military commander from Carthage in today's Tunisia when he crossed the Alps with his warfare elephants in the second Punic war against the Roman Republic in 218-201 BC.

First, the Tunisian National Dialogue was not a well-planned or designed process. It was a ‘doing on the spot’ process. Following the assassination of Mohamed Brahmi on 25 July 2013 the political crisis reached a deadlock and created an urgent need for action, mediation and dialogue to avoid the further deterioration of the situation. There was neither much time for the designing and planning of the dialogue process, nor for reflection on lessons learned during the process, or for recording what took place when and where and who the participants were.

Second, the success of the Tunisian National Dialogue was due to the participation of multiple actors at all levels – politicians, scholars, civil society actors, civilians – who pushed and pulled in different directions at the same time to manage the political crisis. They struggled for one common goal: to save the country from chaos, preserve the newly gained freedom and for the first time in the country’s history establish a democracy.

Third, the ‘Quartet’ is often emphasised as *the* actor of the Tunisian National Dialogue not least because of the award of the Nobel Peace Prize to the Quartet in 2015. However, it must be borne in mind that the Quartet acted as *mediator* between those who had to enter into dialogue with each other; namely on the one side the government and the Islamist party Ennahda, and on the other side ‘the opposition’ which consisted of a wide spectrum of left-wing and secular politicians, organisations, elites and intellectuals. Given the premises outlined above, the Quartet was not the only actor that facilitated the dialogue as multiple actors acted in parallel at different levels to bring the process back on the track.

Fourth and finally, given the repressive nature of the authoritarian regime of Ben Ali there was no solid culture of dialogue in Tunisia before the uprising in 2010-2011. The Ben Ali regime ruled on the basis of a state of fear where everyone was suspicious of each other and where trust could have fatal consequences not only for individuals but for families and friends as well. It takes time and experience to build trust. And it takes time to build up the dialogue capacities of listening to ‘the other’ and accepting that disagreement might be an outcome of dialogue.

There are still many issues to dialogue about in Tunisia. The National Dialogue in 2013 was acute crisis management and took place among a certain political elite. It did not address the fundamental popular demands for socio-economic reforms and room for broad citizen inclusion in politics of the uprising of 2010-2011 or other pressing issues such as much needed economic reforms, fundamental changes in the state-society relation, and far-reaching institutional changes. A broad, National Dialogue has yet to take place.

1.1 Methodology, theoretical approach and structure of the study

The study was carried out by a team of Tunisian and Danish researchers: H la Yousfi, Amine Ghali and Mohamed Limam from Tunisia, and Rikke Hostrup Haugb lle and Nina Gr nlykke Mollerup from Denmark, from October 2016 to January 2017. The team has analysed and been engaged in Tunisian politics, civil society and democratisation building, and societal changes before and during the current transitional period. For the present study, the team carried out desk studies including the analysis of journal articles, newspaper articles and essays and conducted semi-structured key informant interviews in Tunis². The study

² See annex 2

also builds on knowledge gained through the team members' individual research and interviews. For instance, data and information about the labour union 'L'Union Générale Tunisienne du Travail' (UGTT) is based on Hèla Yousfi's research and the analysis presented in her book *UGTT at the heart of the Tunisian revolution* (2014).

The study is structured and built up following the outline and research questions presented in the Terms of Reference. It stands on the shoulders of two theoretical approaches. First, the study of Steffen Erdle of 'The Politically Relevant Elite' in Tunisia during the rule of the Ben Ali regime. In his study, Erdle convincingly demonstrates how certain elites were closely related to each other and to the ruling, political elite.³ The present study of the National Dialogue follows Erdle's approach of a focus on elites and individuals, and their inter-connectedness as a premise for the outcome of transitional politics and the dialogue process.

Second, but in close relation to the above, the study builds on the argument of historical sociologists and economists of 'path dependency'. Mahony (2000) explains that path dependency 'involves both tracing a given outcome back to a particular set of historical events, and showing how these events are themselves contingent occurrences that cannot be explained on the basis of prior historical conditions'⁴. The study traces the path dependency of the Tunisian National Dialogue back to the coming to power of President Ben Ali in 1987. At this moment, events and developments set into motion patterns and conditions which would later shape the political environment in Tunisia and the relations between individuals, organisations and political parties who were directly involved in the political transitional process and the National Dialogue in 2013.

As part of this methodological and theoretical approach we do not consider the National Dialogue process in the autumn of 2013 as the peak of the maturation of an idea of National Dialogue and a continuation of various initiatives of meetings, roundtables and talks in 2012. Rather, we see these initiatives as part of disputes between 'old actors' and power positioning in a new political landscape. Only with the serious crisis in July 2013 did these actors understand that they had to put aside their own interests in order to save the country from a complete collapse.

The study was carried out within a very limited timeframe. Consequently, it leaves many issues and questions open for further research and exploration. It has not been the attempt to provide a full and detailed study but rather to map and describe the National Dialogue process and point to important issues which we have seen as crucial for successes – and the lack thereof – during the process. One of the issues which it has not been possible to cover is the role of media in the Tunisian National Dialogue process. Although the media in Tunisia has undergone drastic changes since the 2010-2011 uprising there is still an important lack of professionalism and media are often biased in reporting a certain event. From this it follows that the media is a strong factor for the dialogue process – both as a spoiler and a driver when it uses the right balance of revealing and withholding information. Recognising this very important role played by the media, this study with its limited timeframe does not, however, include an analysis of this role. We hope that others will take up the important task of clarifying the role of the media and, on the one side, the very interesting need for 'safe spaces' – spaces where politicians can negotiate out of the media spotlight – and, on the other side, the call for more transparency in the process of National Dialogue in Tunisia which is both

³ See Erdle, Steffen 2004. "Tunisia. Economic transformation and political restoration", in Perthes, V. (ed.) *Arab Elites: negotiating the politics of change* (Boulder, CO: Lynne Rienner), and Erdle, Steffen 2010. Ben Ali's 'New Tunisia' (1987-2009). *A Case Study of Authoritarian Modernization in the Arab World*, Berlin: Klaus Schwartz Verlag.

⁴ Mahony, John 2000. "Path dependency in Historical Sociology", *Theory and Society*, Aug., pp 507-508.

complementary and contradictory and raises questions about the role of journalism and media in transitional periods and in fragile democracies.

This leads to the following structure of the report:

Chapter 2 presents the historical dimension of the country and conflict setting of the Tunisian National Dialogue. It outlines the premises for a dialogue culture under an authoritarian regime, and it presents the main actors of the 2013 National Dialogue in a historic perspective to create an understanding of how personal disputes were a crucial aspect of both the political crisis and the success of the National Dialogue. Hence, the chapter draws attention to the path dependency and the failure of a distinction between a 'before' and 'after' the uprising.

Chapter 3 addresses the questions of the causes of the conflict which led to the deadlock of the political transitional process in July 2013. Building on the previous chapter, the protagonists of the crisis are presented in a historical perspective. Furthermore, the chapter presents some of the new regional and national crises that unfolded in parallel to the Tunisian political crisis as the former impacted the latter.

Chapter 4 analyses the National Dialogue which evolved from the assassination of the politician Mohamed Brahmi on 25 July 2013 to 26 January 2014 when the new constitution was approved by the ANC. As becomes clear through the analysis, the Tunisian National Dialogue did not unfold as a well-planned process with a clear design. Rather, the National Dialogue was a response to an acute political crisis with the risk that the country and the transition process would collapse completely. For the aim of analysis, however, the chapter constructs the process as consisting of five phases which are treated in the chapter: timing and ripeness; preparation I: the set-up of the Quartet; exploration: the challenge of accepting the National Dialogue process; preparation II: agreeing on a roadmap; and implementation of the Roadmap and stumbling blocks.

Chapter 5 presents lessons learned and conclusions of the study. The chapter also presents fruits for further thought and studies.

2 Country setting: Tunisia, a culture of political non-dialogue before 2011

'After 60 years of dictatorship, we have a hunger for the freedom we have been deprived of for so many years. After the revolution, everyone wanted to express themselves'⁵.

It is tempting to create a Tunisia of 'before and after the uprising'. In one sense, Tunisia 'before and after' are two distinct cases especially in one regard: under Ben Ali an atmosphere of fear prevailed and prevented actors at all levels from speaking out and speaking to each other. 'Do not even trust your own brother' was a common warning. After the uprising a cacophony of voices broke out at all levels in the private sphere, in public places and in the media. At times, it was counterproductive to the stability of the country. At times, it

⁵ Interview with Ali Laareidh, Prime Minister at the time of the National Dialogue, Ennahda, Tunis, 26 October 2016.

reflected the immaturity of the new politicians. At times, the rhetoric became very harsh. In July 2013, the cacophony was one factor which led to the political deadlock.

In another sense, it is important to keep an eye on the continuity of the 'before' in the development of the 'after'. Many of the protagonists of the Tunisian National Dialogue were prominent opposition politicians and civil society actors during the decades of the Ben Ali regime. Since the 1980s they had fought side by side as opposition to the Ben Ali regime, they had suffered the same repression from the regime, and they had at times also fought against each other.

This chapter addresses the historical dimension of the country and conflict setting of the Tunisian National Dialogue. It outlines the premises for a dialogue culture – or rather lack thereof – under an authoritarian regime, and it presents the main actors of the 2013 National Dialogue in a historic perspective to create an understanding of how personal disputes were a crucial aspect of both the political crisis and the success of the National Dialogue.

2.1 'Before': The authoritarian Ben Ali-regime

When President Ben Ali left Tunisia in January 2014 he had ruled the country for just over 23 years. On 7 November 1987 he took over power from President Habib Bourguiba, who had also ruled the country for three decades, since its independence in 1956. Immediately after his take-over of power Ben Ali launched a number of reforms that, on the surface, seemed to represent a liberalisation of the political culture but which actually aimed at consolidating his own power.

One of the initiatives he launched was the National Pact in 1988, which was offered to the opposition parties according to which they would refrain from destabilising the existing political order in exchange for the introduction of liberalising reforms. The initiative was based on extensive consultations with political parties, organisations and individuals involved in the public debate. Many of these actors, including LTDH which led the commission, would be the main actors in the 2011-2012 and the 2013 National Dialogue. At the beginning there was large consensus about the need for such a pact between the regime, civil society, political parties and other actors. However, Ben Ali quickly abandoned the track of liberalisation he had initiated and dialogue was closed down⁶.

While the communist party, POCT, rejected the initiative, Ennahda agreed to participate and signed the Pact. This allowed the party to run independent candidates in the 1989 legislative elections and according to many observers it did very well. However, it was this successful performance by the Islamists that made Ben Ali renege on his promise of legalisation and liberalisation of the political landscape.

2.1.1 The absence of public political Islam

Ennahda was met with harsh repression. Ben Ali's regime started its eradication of Ennahda with a heavy record of human rights violations, leaders and party adherents were jailed in large numbers, and the party was ultimately banned in 1991. Thousands of Ennahda activists and their families fled to Europe and Canada only to return after the 2011 uprising. This did not mean, however, that Ennahda and its members

⁶ For a discussion of the Tunisian National Pact see Anderson, Lisa 1991. "Political Pacts, Liberalism, and Democracy: The Tunisian Pact of 1988", *Government and Opposition*, Vol. 26, Issue 2, pp. 244-206.

became inactive. As Amer Laareidh, one of the party's leaders and head of the political bureau at the National Dialogue in 2013 explains: 'During the Ben Ali era we managed to connect with civil society around the world and we consolidated our relations with the opposition at the time.'⁷

From this moment, Ennahda disappeared from official Tunisian politics and Ben Ali's regime tried to demonise Ennahda and portray them as terrorists and part of Al Qaeda in the wake of the 9/11 attacks in New York. In a broader popular context, the Ben Ali regime embarked on a strict state control of the practice of Islam, among others by closing mosques outside prayer time and prohibiting women from wearing the Islamic veil. Tunisians who practiced Islam in their everyday life experienced surveillance and repression. However, the regime also introduced a picture of the state as the preserver of Islam, with images of Ben Ali in traditional garments participating in various Islamic traditions⁸.

As a consequence, many Tunisians lived and grew up in a Tunisia from 1987 to the beginning of the 2000s without public political Islam and where Islamic practice did not take place in the public sphere. Therefore, it came as a surprise and even a shock to many after the 2010-2011 uprising that political Islam represented by Ennahda was still present in Tunisia and had massive popular support.

2.1.2 Putting the political opposition in their corners

The leftist organisations and secular intellectuals remained silent and implicitly condoned the repression of Ennahda. There were a few exceptions who publicly denounced the repression against Ennahda; among these were Nejib Chebbi from the opposition party PDP, Hamma Hammami from the Communist Party and the LTDH and the journalist and activist Sihem Bensedrine.

This only lasted until the repression of the Ben Ali regime started to become a systematic practice against all opponents whether from political parties, NGOs, among these LTDH and the Bar Association, or individuals. Ben Ali introduced a 'divide and conquer' policy towards the opposition which put them in their own corners from where they attacked each other in order to ensure their own survival. Other opposition parties were co-opted and hence controlled by the regime.

Opposition parties have experienced difficult times since Tunisia's independence in 1956 where President Bourguiba (1956-1987) established a hegemony of the ruling party. The party was re-named and re-shaped under Ben Ali but kept its position as the dominant party of the political landscape. However, the weakness of the opposition parties is also due to the fact that none of them were created to represent certain social constituencies or certain ideological alternatives to the ruling party but were essentially the product of personal and elitist rivalries. As a consequence, single persons, their disputes on a personal level and self-promotion have characterised Tunisian opposition politics under both the Bourguiba and the Ben Ali regime⁹.

A wide number of these opposition personalities became the main actors in transition politics after the 2010-2011 uprising and in the 2013 National Dialogue, and their personal struggles, disputes and consequently mistrust continued to play a role for the aggravation of the political crisis in 2013 as will be described in chapter 3. To demonstrate how the 'old' opposition became crucial political actors after the uprising, a few of them are presented in the following and referred to throughout the report.

⁷ Interview with Amer Laareidh, head of the political bureau and representative in the ND, Ennahda, 27 October 2016.

⁸ See Haugbølle, Rikke 2011. "New Expressions of Islam in Tunisia, 1987 to 2010", the *Journal of North African Studies*. 20, 3.

⁹ For further details on the opposition parties and their lack of collaboration see Haugbølle, Rikke Hostrup and Cavatorta, Francesco 2011b. "Will the real Tunisian opposition please stand up?", *British Journal of Middle East Studies*. 38, 3, 323-341.

Mustapha Ben Jaafar: In 1978 he joined the group which founded the party *Mouvement des Démocrates Socialistes* (MDS) which became the strongest opposition party when Ben Ali took over power in 1987. In 1994 Ben Jaafar left MDS and formed the party Ettakatol (FDTL¹⁰), a social-democratic party which held a critical stance towards the regime. The party was legalised in 2002 in the lead up to the elections in 2004. Ben Jaafar presented himself as candidate in the presidential elections in 2009 but his candidature was denied by the Constitutional Council controlled by regime. After the uprising, Ettakatol joined the government following the elections in 2011. Ben Jaafar was appointed president of the ANC.

Moncef Marzouki: Marzouki is a human rights activist and was president of the LTDH from 1989 to 1994. In 2001 he launched the party Congrès pour la République (CPR). Because of his challenge of the regime he was arrested and sentenced several times – and imprisoned for four months, and in 2002 went to France in exile. CPR joined the government following the elections in 2011. Marzouki was appointed president of the republic.

Ahmad Nejib Chebbi: In 1983 Nejib Chebbi founded the left-wing party *Parti Démocrate Progressiste* (PDP) which was legalised in 1988. In 2006 he passed the post of general secretary of the party to Maya Jribi. In 2004 and 2009 he ran as candidate in the presidential elections. However, he faced the same obstruction as Ben Jaafar by the Constitutional Council, which changed the law in 2008 so that a candidate must have been the head of the party for at least two years. As Chebbi had passed the post as general secretary of the party to Maya Jribi in 2006 it was not possible to uphold the candidature. After the uprising Chebbi was appointed minister in the government of Mohammed Ghannouchi but withdrew from the post. He was, then, expected by many to be possible candidate for the presidency in the coming elections. PDP came in fifth in the elections but as they had categorically ruled out any collaboration with Ennahda PDP proclaimed itself opposition and became the outspoken critics of the Troika government.

Hamma Hammami: Served for many years as spokesperson for the Tunisian Workers' Communist Party which was banned under the rule of both Bourguiba Ben Ali. He voiced his criticism of the Ben Ali regime and became an icon both in Tunisia and for many Arabs for his opposition against the regime. Hammami was tortured and imprisoned for a total of ten years for his political activism against the rule of Ben Ali. Following the 2010-2011 uprising the POCT was legalised and became a core political party but only obtained three seats in the ANC and refused to join a broad unity government. Instead POCT became one of the strong opposition critics of the Troika government.

Despite the strong control and repression by the authoritarian regime some efforts at cooperation and dialogue among opposition parties and movements took place in the 1990s and the 2000s. However, many of the attempts were short-lived. One effort of collaboration between opposition figures and between the left-wing parties and the Islamists, Ennahda, was the *Octobre 18 Collectif* launched in 2005.

The PDP and in particular Ahmed Nejib Chebbi and *Ennahda*, were at the forefront of the initiative, but prominent opposition personalities such as Khemais Chammari, a leader of the LTDH, Hamma Hammami (POCT), Mokhtar Yahyaoui (Judge, pro-islamist), Lotfi Hajji (journalist, pro-islamist), Samir Dilou (lawyer and Ennahda leader), Ayachi Hammami (lawyer, independent (pro-leftist)), Abderraouf Ayadi (lawyer, CPR, pan-arabist close to Islamists) and Mohamed Nouri (Islamist) were leading figures in the initiative. Moncef Marzouki was totally absent and did not take part in the initiative. The alliance had human rights claims as a

¹⁰ Forum Démocratique pour le Travail et les Libertés.

common base and demanded freedom of political and associative organisation, liberty of expression, and general amnesty for prisoners of opinion. The dialogues, which took place as meetings held in secret out of fear of the regime, addressed the issues of gender equality, liberty of conscience, the separation between State and religion, and there were talks about the content of a new constitution¹¹. Amer Laareidh, Ennahda, explains: ‘The peak was on October 18th 2005 when all of the opposition issued a communiqué with views of the regime and political ideas. This brought the opposition together. This was an important background when Ben Ali was deposed.’¹²

When the regime realised the strong alliance between the Islamists, the left wing opposition and the NGOs it broke the alliance by initiating talks between the regime and Ennahda. After 5 years of dialogue success the Collectif ended in 2009, the main reason for this being the failure of a common approach to the parliamentary and presidential elections held that year. Ennahda and POCT refused to participate in the elections, whereas PDP and Ettakatol decided to present candidates for the presidential elections. The latter did not succeed to gain the support of the Collectif movement. From this date until the 2010-2011 uprising, the Collectif movement continued to meet and discuss political issues but never took concrete actions, except for the edition of the small book in 2010¹³ containing, among others, the declarations¹⁴.

2.1.3 UGTT

The opposition picture in Tunisia was not only composed of the left-wing political parties opposed to the Islamist Ennahda. The labour union, L'Union Générale Tunisienne du Travail (UGTT) constituted the third leg in an opposition triangle.

With its 750,000 members (2015), UGTT is by far Tunisia’s biggest and most important labour union force and it has for long been the only one. UGTT was founded on 20 January 1946 and was a cornerstone in the national independence movement and has as a consequence been involved in political and national matters since then. In this way, UGTT was from the very beginning more than a union in the classical sense.

It has been characterised by two levels which have co-existed: one level where UGTT was merged with the one-party state and hence submitted to the state power and both the regimes of President Bourguiba and President Ben Ali. This level is often referred to as ‘the Union bureaucracy’. The other level has stepped into character in times of crisis and has dominated certain branches of the UGTT as well as local offices. At this level, UGTT has taken the lead in opposition to the regimes.

UGTT grew in popularity in the 1970s. In this period, it became clear that the socialist politics of the Bourguiba regime from 1962-1970 had failed. This left the Tunisians in an ideological vacuum which was in part filled by Rachid Ghannouchi and his newly established Islamist movement. But it also left a space for the UGTT to fill. Hence, in these years the UGTT and Ennahda became competitors as they competed for support from and to represent the same social groups – the low-income population and the workers.

¹¹ Two significant declarations were issued: Tunis le 08 mars 2007, Déclaration sur la liberté d’opinion et de conscience and Tunis, le 23 Novembre 2007, Déclaration sur les droits des Femmes et l’Egalité de Genres, http://nachaz.org/blog/doc-1-brochure-du-collectif-du-18-octobre-pour-les-droits-et-les-libertes/#_Toc439340002

The declarations have been published in French and Arabic in: Collectif 18 octobre pour les droits & les libertés en Tunisia (2010) *Notre voie vers la démocratie* (no publisher).

¹² Interview with Amer Laareidh, head of the political bureau and representative in the ND, Ennahda, 27 October 2016. Amer laareidh was the representative of Ennahda from exile in the Collectif.

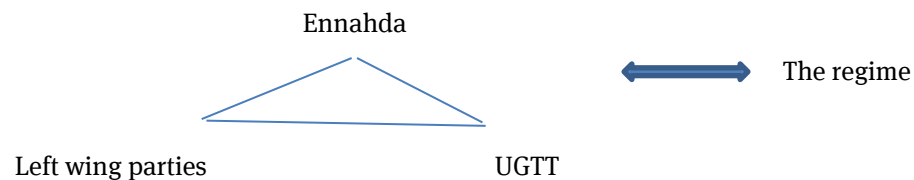
¹³ Collectif 18 octobre pour les droits & les libertés en Tunisia 2010. *Notre voie vers la démocratie* (no publisher).

¹⁴ Interview with Ayachi Hammami by phone, December 2016.

By the end of the 1970s, popular unrest and strikes broke out in most of the country. The local offices of UGTT – the second level of UGTT – supported the strikes and in January 1978 the UGTT decided to call for a general strike to pressure the government to change its political and economic direction. The army was used to fight the demonstrators, and hundreds were arrested and sentenced. The event is known in Tunisian history as the ‘Black Thursday’ (*Jeudi Noir*) because of the violent outcome.

Nevertheless, the general strike and the action taken by the UGTT gained the union wide popularity and support well into the 1980s and underlined its position as a powerful contender to the regime and representative of the wider population.

The opposing position of the opposition actors can be illustrated by a triangle.



Yet, not only did they oppose each other and compete for support from the same groups within the Tunisian society. They were also put in their own corners by the regime – both of Bourguiba and Ben Ali – who used the disputes to play the three out against each other and in this way weaken them as opposition.

The picture was further complicated when the regime also began to crack down on civil society which put the civil society actors in their own corners where they struggled – sometimes literally – for their survival and hence did not have the power to create strong coalitions with the other opposition forces. The relation and condition of the opposition forces remained contentious and difficult throughout the 1990s and 2000s, and – as will be described in the following chapter – after the popular uprising of 2010-2011.

3 Conflict setting: The National Crisis building up to the 2013 political deadlock

Because of the harsh repressive nature of Ben Ali’s authoritarian regime, it was a very courageous act when the Tunisian population rose against the regime in a popular protest that started on 17 December 2010 in the small town of Sidi Bouzid in the interior of the country. As with the 2013 National Dialogue there was nothing planned or designed about the uprising. The mobilisation of demonstrations was the product of new and emerging social actors. To the surprise of the Tunisians, and the rest of the world, President Ben Ali and his family left the country on 14 January 2011 for exile in Saudi Arabia.

The Tunisian uprising and the handling of the transition process which followed spread optimism and hope to other Arab countries that freedom and democratisation could be achieved. In October 2011 Tunisia held elections which were acknowledged as free, fair and transparent by all international actors.

However, month by month a crisis within the political sphere grew in tension and involved more and more actors also outside the political sphere until the crisis peaked in July 2013 and a complete breakdown of the transition process was a reality.

This chapter addresses the questions of the causes of the conflict which led to the deadlock of the political transitional process in July 2013. Building on the previous chapter, the protagonists of the crisis are presented in a historical perspective. Furthermore, the chapter presents some of the new regional and national crises which unfolded in parallel to the Tunisian political crisis as the former impacted the latter.

3.1 2011 From the Kasbah sit-ins to the Political Reform Commission

The outbreak of the popular uprising in 2010-2011 caught the political opposition parties and the leading NGOs off guard. Only at a late stage did the central level of UGTT, ‘the Union bureaucracy’, enter as an organiser of demonstrations (Allal 2010; Chomiak and Entelis 2011)¹⁵. Instead, what could be seen as a much more inclusive and broad National Dialogue evolved in the first months after the ousting of President Ben Ali.

On the political level, Mohamed Ghannouchi was appointed prime minister while Fouad Mbaza took up the post as president. Ghannouchi had served as prime minister under Ben Ali since 1999, and Mbaza had held his position as president of the Second Chamber (Le Sénat) since 1997. Although Ghannouchi formed a new national unity government which included members of former opposition parties, among others Nejjib Chebbi¹⁶, and civil society representatives, it was widely felt among the Tunisians that the old regime was still in power¹⁷.

In the wake of the popular engagement that had characterised the uprising, new and old civil society organisations, social media activists and young revolutionaries continued this dynamic and launched the idea to occupy the courtyard of the government headquarters in central Tunis – known as the Kasbah and a symbol of the political power to claim further reform and change. The proposition circulated especially among the youth invigorating a wave of solidarity throughout the country. A young activist from Bouzayene, recalled: ‘We sensed the danger of the revolution’s reversal. That’s why we came up with the idea to occupy the Kasbah, a symbol of political power.’¹⁸ A caravan of young people from remote regions in Tunisia reached the Tunisian capital city on 23 January 2011 marking, hence, the first sit-in at the Kasbah’s square (Kasbah 1).

Kasbah 1 mobilised people, opposition militants, UGTT and the Tunisian Bar against the Ghannouchi cabinet. The pressure exerted became a key factor that led to the reshuffle of the Cabinet which was announced by Ghannouchi on 27 January 2011. However, disputes between left-wing politicians and activists and Ennahda broke out and prevented them from forming a committee to negotiate with Prime Minister Ghannouchi.

¹⁵ The local branch of UGTT, however, was present from the very beginning.

¹⁶ Nejjib Chebbi was minister for regional and local development until 7 March 2011, when he decided to leave the government.

¹⁷ http://www.economist.com/blogs/newsbook/2011/01/new_government_tunisia (last retrieved January 10, 2017).

¹⁸ <https://nawaat.org/portail/2015/02/09/four-years-after-the-kasbah-sit-ins-taking-stock-of-a-revolutionary-mission-confiscated/>.

The reshuffle of the first interim government did, however, still leave many of the ministers and bureaucrats of the Ben Ali regime in power and pressure from the population, NGOs, UGTT and the left wing parties continued. On 24 February another huge demonstration was launched in the Kasbah area, which gathered 300,000 people and became known as the **Kasbah 2**. The demonstrators called for the reshuffling of the existing constitutional order and the drafting of a new constitution by a National Assembly composed of members elected in free and fair elections. As a consequence, Ghannouchi and the ministers of the former ruling party (RCD) stepped down on 27 February 2011.

The Kasbah demonstrations were followed by further demonstrations in March 2011: **Kasbah 3** and the Bardo sit-in by civil and politically motivated demonstrators, and street protests.

Political parties and institutional actors began to understand the need to reorganise themselves if they wanted to influence the process in progress. As an outcome of the demonstrations and the realisation by the political actors the *High Authority for the Realization of the Objectives of the Revolutions, of Political Reform and of Democratic Transition* headed by Yadh Ben Achour, a well-respected scholar of law and Islam,¹⁹ was established with the aim of organising elections for a Constitutional Assembly with the primary mandate to draft a new constitution regulated by the decree 35/2011. It consisted of an expert group in charge of drafting the text and around 150 politicians, prominent personalities, representatives of civil society organisations, scholars, former government officials and representatives from labour unions.

The Decree 35/2011 about the elections to the ANC did, however, not mention any provision on the time of the mandate of the NCA, which political activists, civil society and democracy advocates pointed out as problematic already in 2011. In reaction to this call, the president of the *High Authority*, Ben Achour, invited 12 of the major political parties to make a gentleman's agreement for limiting the duration of the work of the NCA to 12 months. All major parties accepted the deal except the party of CPR. The mandate of the ANC should prove to be a major point of conflict at a later stage and one of the key issues of the National Dialogue.

While the setting up of the *High Authority* pushed Islamists / Ennahda and radical left wing politicians to join efforts and work together at a high political level similar to the cooperation in the *18 October Collectif* 2005, disputes and conflicts at the local level were obvious between leftists and Islamists. However, when the preparation for the elections began, the 'perpetual' struggle between leftists and Islamists rose again as the parties focused on strengthening their own position for the upcoming elections. Ben Jaafar recalls that the 'crisis occurred right after Ben Ali left, all were fighting for power, especially electorally, also during the governments led by M. Ghannouchi. It is natural to go for this competition, I am not against it, but the key was to build a new democracy, therefore the revolution was a gift from God. However, instead of trying to build a new democracy, there was a fight for power. Unfortunately the focus of the politicians was on power. Some called for immediate elections in line with the old constitution'²⁰.

The launch of the *High Authority* marks both the victory and the end of Kasbah 1 and 2 and popular participation in the transition process. From this moment dialogue and politics were 'hijacked' and

¹⁹ The *High Authority for the Realization of the Objectives of the Revolutions, of Political Reform and of Democratic Transition* was created on 15 March 2011 by merging the *Conseil de défense de la révolution* and the *Higher Political Reform Commission*.

²⁰ Interview with Mostapha Ben Jaafar, President of the Constituent Assembly at time of ND, Ettakatol, Tunis, 27 October 2106.

conducted by ‘the old actors’ within party politics and civil society at an elitist political level and with support of external donors (see 4.6)²¹.

3.2 Elections and disputes over unity government

After several postponements, the elections were finally held in October 2011 with much support, attention and observation from the international society and were seen as the cornerstone of a nascent democracy.

Ennahda won a much larger victory than anticipated and obtained 89 out of 217 Seats in the National Constitutional Assembly (ANC²²). While Ennahda stated repeatedly during the election campaign that it would look for alliances, seek dialogue and unity after the elections with all parties that wanted to enter into dialogue and unity, all leftist political parties declared their opposition to the idea of alliance with Ennahda. Divisions within and between secular and leftist parties split their electorate with the consequence that no other party garnered more than 8% of the ballot. Both the CPR and Ettakatol were among those who had publicly excluded any alliance with Ennahda before the elections. However, when it was clear that the secular and leftist parties had fared so poorly in the elections that they would not be able to form a government on their own, CPR and Ettakatol joined forces with Ennahda in a three party coalition – referred to as the ‘Troika’. On 22 December 2011 the new government was approved. Hamadi Jebali, secretary-general of Ennahda, was appointed head of government; Moncef Marzouki (CPR) would be president of the republic and Ben Jaafar (Ettakatol) president of the ANC.

The fact that Ennahda had marginalised all other political parties came as a shock to many, not least from the left-wing and secular politicians, and the formation of the government fanned the flames of the left-wing distancing themselves from Ennahda. The day after, on 23 December, the appointments gave rise to frustrations and hostility, particularly from the PDP. Its leader, Maya Jeribi became instantly and de facto the leader of the opposition at the NCA. The left wing camp accused Ben Jaafar and Marzouki of treason, and they met this criticism with the argument that they joined the Troika to temper the hegemony of Ennahda. Later on, they argued that their *collaboration* (but not alliance, as they insisted on highlighting) with Ennahda demonstrated that seculars could work, and even more, govern together with Islamists.

3.3 Growing Disputes: The left wing and seculars’ pressure on the Troika

The ANC quickly adopted a decree, the ‘small constitution’,²³ which would regulate government operations until a new constitution was drafted. When the ‘small constitution’ was approved by the ANC the majority refused the agreement of a time limitation of 12 months.

The duration and the scope of the ANC was from the very beginning disputed by the opposition parties. The Draft law organising the public powers under the ANC did not mention the duration of one year²⁴ prescribed though by the decree n° 2011-1086 of 3 August 2011, related to the organisation of the NCA elections. Sit-

²¹ For a critical discussion of the general understanding of civil society actors in Tunisia and external support to these see Yousfi, Hèla 2017. "Faut-il encenser la "société civile" en Tunisie?", *Orient XXI*, January 24. orientxxi.info/magazine/faut-il-encenser-la-societe-civile-en-tunisie,1673.

²² ANC is an acronym of the French *Assemblée Nationale Constituante*.

²³ The “small constitution” is available at www.legislation.tn/sites/default/files/constitution/Pdf/loi2011_6fr1.pdf, (last retrieved 3 December 2016).

²⁴ http://www.constitutionnet.org/files/petite_constitution.pdf.

inners and political parties, even those represented at the ANC, asked the Troika to respect the commitment taken by all political actors according to which the duration of the ANC should not surpass one year. However, Ennahda argued that the commitment of one year was no more than a moral commitment. The duration of the mandate of the NCA remained disputed until the summer of 2013 where it constituted one of the demands from the opposition of the Troika to step down and one of the main issues of the National Dialogue.

A second of point of considerable debate which added to the mistrust between Ennahda and the left wing and seculars were the topics of Islamic law (Sharia) in the new constitution and the constitutional and legal rights of women. In the period leading up to the elections Ennahda had again and again stated that they would not impose the veil on women, prohibit alcohol or the payment of interest. However, when the drafting of the constitution took off conservative voices both within and outside Ennahda called for the inclusion of explicit reference to Islam as the main source of law. At the same time, new jihadi and violent Salafi groupings were rising in Tunisia and carried out demonstrations. Ennahda did not create a clear distance from the violent Salafi and conservative demands for Islam as legal source, and Ennahda leaders attended Salafi rallies and expressed their support in their speeches. This created an atmosphere of mistrust and seemed to the opposition to confirm that Ennahda had been speaking with two tongues: they would not keep their promises from the election campaign once in power but rather use their power to impose an Islamic state. Ennahda on their side defended their engagement with the Salafi groups with the argument that only through inclusion could radicalism be defeated.

The issue of reference to Sharia was discussed and voted on internally in Ennahda so that the party could eventually declare publicly, with much attention in the media, that it had been decided to leave the first clause of the previous constitution without change, which stipulated that Islam is the religion of the Tunisian state. Ennahda leaders explained repeatedly that they wanted the unity of the Tunisian people and did not want to create divisions because of the issue of the role of Islam in the constitution.

However, firstly, this internal discussion cost months of delay of the drafting of the constitution, and secondly, it strengthened the mistrust from the left-wing and secular politicians and elites. Especially those who had participated in the *Collectif* saw the internal debate in Ennahda as a theatre and pointed to the fact that the issues of the role of Islam in the constitution and gender equality were agreed on during the *Collectif* dialogue and had been articulated concretely in the declarations from 2008. They blamed Ennahda for using the debate to promote themselves as democratic at a moment when Islamist movements were coming under still more pressure because of the rise of Islamic State (IS) and growing terrorism in Europe. The actors from the *Collectif* were disappointed with Ennahda and the 2012 discussions of the role of Sharia became part of the growing mistrust between the left wing /seculars and Ennahda.

3.4 The launch of Nidaa Tounes

In the spring of 2012 the divide between Ennahda and the left wing /seculars grew in intensity and only worsened with the launch of the party Nidaa Tounes (Call for Tunisia) in June 2012. The party was established by a core group of persons who were figures and intellectuals during both the regime of Ben Ali and Bourguiba. The president of the party was Béji Caïd Essebsi, who had held several ministerial posts under Bourguiba and was prime minister in the interim government after Ghannouchi and under the presidency of Foued Mbazza until the elections in October 2011.

Nidaa Tounes brought together representatives of the bourgeoisie, high ranking leaders and businessmen and leaders from the former regime party *Rassemblement Constitutionnel Démocratique* (RCD). Many therefore considered the new party as a recycling of the Ben Ali regime. However, the party was also joined by personalities from former opposition NGOs, and certain parties from the centre and the right which could agree on one single issue: to counter-balance the power of Ennahda.

3.5 New left wing coalitions

According to the surveys Nidaa Tounes managed to get the support of 20% of Tunisians which created a bipolar balance in the political landscape with Ennahda and Nidaa Tounes as the two major and opposing parties. As a consequence, centre and left wing parties and individuals joined forces in coalitions which balanced the two major parties but also put further pressure on the Troika.

The first coalition was **al-Joumhour**, a party which was founded on 9 April 2012 and was a merging of centrist and social-liberal parties²⁵. Among the parties were the PDP with Néjib Chebbi and Maya Jeribi as personalities in the front.

Some months later, in July 2012, POCT led by Hamma Hammami changed its name to The Workers' Party in an attempt to gain the support and the votes of the workers and – not least – the growing number of unemployed Tunisians²⁶. In October 2012, The Workers' Party entered a second coalition, called the **Front Populaire** (Popular Front), together with a number of left wing parties. In February 2013, a few months after the launch of the coalition, the general secretary of the Front Populaire, Chokri Belaïd, was assassinated in front of his house in Tunis. On 9 April 2013, Mohamed Brahmi, General Secretary of the minor party *People's Movement* joined the Popular Front. Unfortunately, Mohamed Brahmi was assassinated on 25 July 2013 and this led to the complete deadlock of the political process. The assassinations and the culmination of the political crisis is discussed further in section 3.6.

A third coalition was established in February 2013 called **The Union for Tunisia** which included Nidaa Tounes in alliance with **al-Joumhour** and three other parties²⁷ in an electoral alliance with the aim of challenging Ennahda's power in the coming elections. Later, both al-Joumhour and Nidaa Tounes announced that they left the coalition and would run on separate lists.

The strengthening of the left-wing – secular spectrum of the political scene by coalitions in 2013 combined with the assassination of Chokri Belaïd which happened at the same time as the coalitions were launched put pressure on Troika government and in particular Ennahda and added to the building up and worsening of the political crisis.

²⁵ The Front Populaire was joined by 12 parties, among these parties were *Afek Tounes*, *the Parti Républicain*, *Al Irada*, *Al Karama*, the *Mouvement Bledi*, the *Parti de la démocratie et de la justice sociale* and independent individuals.

²⁶ mag14.com/national/40-politique/742-tunisie--pourquoi-le-poct-devient-le-parti-des-travailleurs.html.

²⁷ The three remaining parties were *al-Massar*, the *Patriotic and Democratic Labour Party* and the Socialist Party.

3.6 UGTT's pressure on the Troika

In the aftermath of the ousting of President Ben Ali, UGTT went through an internal reform process which would make the union a very strong actor by the end of 2011.

UGTT's general secretary Abdesslem Jrad was accused of having close connections with the Ben Ali regime and the first interim governments and of siding with the regime during the popular uprising in 2010-2011.

In December 2011 – a few months after the elections – UGTT held its 22nd congress. The Union was standing at a crossroad and the Congress marked a rupture with the previous structure and way of functioning. The challenge was two-fold: to carry out the necessary transformation to adapt to the new economic and social situation, and to establish a dynamic and democratic structure at the organisation level. The election of a new executive bureau was an important part of the transformation as the majority of the members of the new executive office historically belonged to the left wing of the UGTT which had been in opposition to 'the Union bureaucracy' close to the Ben Ali regime. Furthermore, half of those elected did not have any party affiliation.

The newly elected general secretary, Houcine Abassi, reflected this renewal of the leadership. He was part of the minority of the former executive office, he belonged to the democratic and left-wing branch of the union's leadership, and only in his youth supported the communist party.

Since the fall of the Ben Ali regime the UGTT witnessed a growing number of corporate claims and the creation of new unions. These new corporate claims were certainly a political leverage used by UGTT in the negotiation of its own role as an important force. The corporate mobilisation was used to settle the influence of UGTT in the political game.

The historical political contest between UGTT and Ennahda (see 2.1.3) was revitalised and played out as oscillation in the negotiations between the UGTT and the Troika, and pressure from the UGTT on the Troika. This alternation, which might seem ambiguous, was the very strategy which allowed the leadership of the UGTT to uphold a position as political actors in a political landscape which was in many ways characterised by instability²⁸.

Following the 'hijacking' of the Kasbah 1 and 2 and the political process by 'the old actors' UGTT became the main representative of the demands of the wider population of economic and social reforms and initiated demonstrations around the country. These claims were both a means of pressure on the government and of mobilisation of even wider popular support of the UGTT.

All of these factors – the internal reform of the UGTT and the consolidation of a new leadership, the voicing of the demands from the uprising, and consequently the growing broad support – strengthened UGTT and its role in transitional politics. Furthermore, it positioned the UGTT as a grand actor which had, later in the National Dialogue, the necessary legitimacy and position to both put pressure on Ennahda and obtain the party's confidence at a moment when the party was under severe pressure from many sides.

3.7 Pressure from 'the street' on the Troika

Besides the political parties and UGTT, Ennahda and the Troika came under growing pressure from 'the street' – popular demonstrations which grew in number but were especially tense in Tunis. Already after the elections in October 2011, which brought Ennahda and the Troika to power, a NGO called Doustourna (*Our*

²⁸ See Yousfi, Hèla 2015. Chapter 5, for a comprehensive analysis of the relation between the UGTT and Ennahda after the uprising.

Constitution) called for a sit-in outside the ANC in the Bardo Palace to protest about two main issues: the vote of the motion of censure and the vote of the constitution articles. Doustourna required that the motion of censure should be voted with the absolute majority (50% +1) and the Constitution must be voted article by article with the two thirds majority rule. The sit-in, which lasted for two weeks (1 – 15 December 2011), mobilised various opponents of Ennahda. The tension between the Troika and its opponents culminated when Ennahda sympathisers attacked the sit-in on 3 December 2011. To calm the situation, Ennahda agreed to redraft the text by taking into account the demands from civil society organisations, the deputies of the ANC and experts. Accordingly, the constitution would be voted article by article with the absolute majority. But it was added that the whole text of the constitution will be voted with the majority of two thirds of the ANC.

During 2012, the Troika continuously faced pressure ‘from the street’. In August, protests broke out as a reaction to the wording in the draft constitution of the role and status of women in Tunisia. Later, in December, UGTT announced its plans of a general strike but this was prevented through an agreement after negotiations between the UGTT and the government. As discussed above, this was one occasion where the UGTT stepped into character as a political actor representing the wider population and the discontent with the government by ‘the street’. With the assassination of Chokri Belaïd the following February, 2013 (see 3.9.1), street protests and demonstrations grew in number and intensity until the peak and stalemate in July 2013 following the assassination of Mohamed Brahmi (see 3.9.2).

3.8 Regional and transnational actors and events: Intensification of the National Crisis

*‘We were observing the region, Libya, Egypt’*²⁹

The causes of the conflict in Tunisia which lead to the political deadlock in July 2013 are not only found at the national level. Following the popular uprising in Tunisia in 2010-2011 similar protests broke out in the Arab region and within a few years the region faced serious disintegration, with armed struggles, millions of people becoming refugees and ISIS/Da’esh expanding to a large number of countries. This change evolved simultaneously with the transition process in Tunisia and impacted on the crisis which was building up during 2012 and 2013.

The impact of regional events and developments is comprehensive and it is not possible within the framework and scope of the present study to treat all of them, nor to go into details about single issues. To understand the impact of regional events the most significant issues are presented in the following.

3.8.1 Libya: Refugees, weapons and the rise of Da’esh (Islamic State)

In the wake of the popular protests in neighbouring Libya and the ousting of Colonel Ghaddafi Libya became a stateless country. Tunisia has had close ties to Libya for centuries and the collapse of Libya influenced Tunisia at many levels. In February 2011, immediately after the outbreak of

²⁹ Interview with Meherzia Labidi, Deputy Speaker of parliament at time of ND, Ennahda, Tunis, 26 October 2016.

armed struggles in Libya, more than 40,000 Libyans arrived in a few days, and over the next months, more than 2 million Libyans took refuge in Tunisia. In particular, three problems that emerged in the wake of the uprising had an impact on the Tunisian political crisis. First, in support of the opposition against Ghaddafi weapons were dropped by air to anti-Ghaddafi opposition by NATO members after NATO in March 2011 started air bombing Gaddafi and strategic locations. After the defeat of Ghaddafi huge amounts of weapon were still present in Libya and some of these weapons began to flow into Tunisia.

Second, in some parts of Libya Da'esh (ISIS) gained a foothold and extended its presence and power from 2011. Contacts were established with emerging, violent Salafi groups in Tunisia and Tunisian Salafis were trained in Da'esh camps in Libya.

The in-flow of weapons from Libya became available to these violent Salafi groups in Tunisia who started to direct their arms against the Tunisian forces. Tens of police officers and army personal where wounded or died after attacks by these violent and armed groups. This was a completely new and unprecedented situation in Tunisia which shocked the wider Tunisian population. It further discredited the image of Tunisia abroad. Tunisia dropped down on international business rating lists and tourism – a core component of the Tunisian economy – suffered from an absence of foreign visitors to the country. The Troika was very slow to react against these Salafi groups (see below) and this created mistrust and harsh criticisms of the Troika and Ennahda from various groups in the Tunisian society which contributed to the destabilisation of the political transition process.

Third, as a consequence of both the in-flow of weapons and the traffic of young Tunisians to Libya for arms training the border between the two countries was closed and controlled. However, this also prevented the illegal trade between the two countries which had provided the poor regions of Tunisia with daily goods at a price they could afford. The closing of the border therefore led to a further aggravation of living conditions in the interior and southern regions of Tunisia and dissatisfaction with and protest against the failure or ignorance of the Troika to address the socio-economic problems which had been the prime demands of the uprising. It was on such occasion that the UGTT supported the popular demands for reform and put pressure on the Troika through organising demonstrations and strikes.

3.8.2 Rising Salafism in Tunisia

The violent currents of Islam which rose not only in Libya but in the Middle East also influenced Tunisia even before the uprising. Since the 9/11, 2001 attacks in New York and President Bush's declaration of a 'war on terror' a young, Tunisian generation which had never known Ennahda became attracted by the Iraqi and Afghan resistance towards the US and they turned to Muslim Scholars connected to international jihadi networks³⁰. At the same time, non-violent Salafists who practiced a puritan, ultra-conservative Islam also existed in Tunisia. Both Salafi groups were, however, among the most repressed in Tunisia under the Ben Ali regime. Both became visible in the political landscape after the uprising. The violent Salafists, however,

³⁰ International Crisis Group 2013. Tunisia: *Violence and the Salafi Challenge*, Middle East/North Africa Report No. 137/13 February.

carried out attacks and threats against people and property which became a serious security problem for the political transition, for the remaining Tunisian population and for the country's rating for foreign investment. The rise of the violent Salafism was a result of a number of factors, one of them was the weakened security service after the revolution which was not able to cope with this new dynamic.

Another reason was the fact that Ennahda at first was uncertain how to react to the challenge from the Salafi groups. First, they supported the right of the Salafis to exist in Tunisia – as they had themselves experienced what it was like to be repressed as an Islamist group. They also had dialogue with various Salafi groups and tried to include them in the democratic, political process as they held the view that inclusion was the best way of avoiding extreme and violent action, which might occur if the Salafi groups felt excluded from society and politics³¹. But in doing so Ennahda for a long time refused to see the violence and the threat from the Salafi groups³².

This led to severe criticism from the left and secular wings. They were afraid that Tunisia would suffer from the Salafi domination, that Ennahda would eventually side with the Salafi current, and that this would lead to even more insecurity in Tunisia. The two political murders in February and July 2013, as well as the many attacks on persons and properties, seemed to support this fear.

3.8.3 Egypt: Military coup and Islamists' fear of being removed

The assassination on Brahmi on 25 July 2013 coincided with the military coup in Egypt on July 3, 2013 which removed the Egyptian Islamist party, the Muslim Brotherhood, from power. This event had a direct influence on the process in Tunisia as it created a fear among Ennahda that the critical situation in Tunisia could escalate further and result in the re-imprisonment of party-leaders and members as was the case for the Muslim Brotherhood in Egypt.

On the one hand, Ennahda was for this reason reluctant to give up power before the drafting of the constitution was concluded, so that there could be no amendments which would limit their political participation in the future. On the other hand, the Egyptian event put more pressure on Ennahda to find a way out of the political deadlock.

3.8.4 The Gulf Monarchies

As a consequence of the uprisings in Arab countries and the outbreak of instability, regional and international powers started to become involved in the crisis and dynamic. In the case of Tunisia, some countries of the Arab region and especially the Gulf monarchies and Qatar, started to play an increasing role, through financial means, and political support. Loans and investment accelerated from 2012 and Qatar replaced Libya as the largest investor in Tunisia. But Qatar also supported associations and funds that were close to the Islamists (Ennahda) and CPR as Tunisian politics was seen by Qatar as being in line with Qatar's vision for the region³³. But this was perceived – by those who did not gain from Qatar's interest in

³¹ Kevin Casey : "A Crumbling Salafi Strategy", August 21, 2013 <http://carnegieendowment.org/sada/52728>.

³² Erik Churchill, Aaron Zelin: "A Balancing Act: Ennahda's Struggle with Salafis". carnegieendowment.org/2012/04/19/balancing-act-ennahda-s-struggle-with-salafis/acsc.

³³ <http://www.al-monitor.com/pulse/originals/2016/11/qatar-involvement-tunisia-investment-conference.html>.

Tunisia and the region – as an indirect support to these parties and an influence of internal politics and led to frustration and critique. Furthermore, there was a suspicion that funds from Qatar and from other states of the Gulf flooded into Islamist political parties during elections (2011 and 2014) and beyond (in breach of the Tunisian electoral law). None of these suspicions have been confirmed in a judicial process but they have added to the tension between the left wing and seculars and the Troika / Ennahda.

3.9 Assassinations and intensification of the crisis, 2013

3.9.1 Assassination of Chokri Belaïd, 6 February 2013

On 6 February 2013, Chokri Belaïd, the lawyer and one of the leaders of the Front Populaire, was assassinated outside his home in Tunis. Belaïd stood out as an advocate of dialogue across ideological and historical divisions and especially dialogue with the Islamists. He declared publicly that his opposition to Ennahda would not allow him to deny Ennahda the right to exist and participate in the public affairs. He always recalled the fact that he was among the few lawyers who agreed to defend the cases of Salafist militants under the Ben Ali rule. He always advocated dialogue and coexistence with Islamists. In 2012, Belaïd was among the initiators of the launch of a broad dialogue process to prevent the rising terrorism and terror threat in the country. After his assassination, the Lawyers Order, the UGTT and the LTDH decided to hold a national conference against violence and terrorism, which took place in June 2013.

The assassination came as a shock to most Tunisians. The Front Populaire, along with the secular Republican Party and Nidaa Tounes, announced immediately that they would withdraw from the national assembly and called for a general strike. The left-wing parties accused Ennahda of standing behind the assassination through their affiliation with the Salafi groups, and protests broke out across the country. This pushed the head of government, Hamadi Jebali (Ennahda), to meet the protests and the demands of the opposition as he declared on television the same evening that he would hand over power to a technocrat government. But Ennahda announced the following day that the party did not back Jebali's decision. Consequently, the UGTT called for a general strike on January 8 – a very good example of how the UGTT used its new consolidation for putting pressure on the Troika. The massive popular pressure on the government became clear as the pictures of 10,000 people participating in the funeral of Belaïd on 8 January were broadcast on all media.

From that moment, the discussion of a technocrat government became one of the crucial issues of the political crisis. Ennahda was aware of this. As Amer Laareidh, of Ennahda, explains: 'People were worried that Ennahda would monopolise the process because we had the electoral majority'³⁴

3.9.2 Assassination of Mohamed Brahmi 25 July 2013

The question of the replacement of the Troika with a technocrat government gained new relevance after the assassination of Mohamed Brahmi on 25 July 2013. Brahmi was the leader of the same party as Belaïd – the

³⁴ Interview with Amer Laareidh, head of the political bureau and representative in the ND, Ennahda, 27 October 2016.

People's Movement, which joined the left-wing coalition Front Populaire in October 2012. With one more assassination directed against the same party and the opposition the critical political situation peaked.

The political deadlock was a reality.

3.10 Deadlock 2013: Conflict setting and central actors

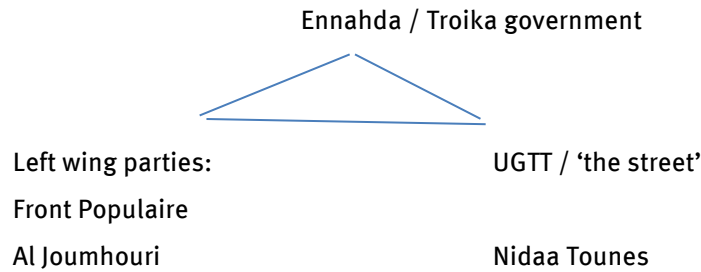
After the elections in 2011 Ennahda formed a government with the minor parties Ettakatol and CPR. When confronted with demands from the opposition to step down Ennahda and the Troika pointed to their electoral legitimacy, but this democratic legitimacy was not sufficient to create and consolidate collectively accepted rules and frames for transitional politics. The elections also failed to establish full legitimacy of the government and the ANC with the result that they were over and again contested and questioned by the opposition and 'the street'. Three groups of actors can be distinguished.

The first are political parties who used a 'grammar' and language of 'defence of the revolution' and the recapture of power by the people and based their own legitimacy on these claims. This group was dominated by the left-wing opposition. The PDP and the 'old actor' Nejib Chebbi contested the Troika from the very beginning and was a leading actor in 2012 in the attempts of strengthening the opposition through the launch of the coalition Al Joumhouri. Another significant 'old actor' at the left wing was Hamma Hammami and the POCT/Workers' Party which also expressed strong opposition to the Troika and established a second coalition, Front Populaire, in order to strengthen the pressure.

The second group occurred with the launch of Nidaa Tounes in 2012. The party plunged itself into a frontal opposition of Islamism and Ennahda and called for consensual legitimacy through the emphasis on a need of returning to the management of pressing national affairs such as the fight against terrorism and pressing economic reforms. These issues echoed a growing fear and discontent among the population and Nidaa Tounes grew in popularity. This combined with the fact that its leaders had been important personalities during the Ben Ali regime and the developments in Egypt put strong pressure on Ennahda.

The third group of actors on the scene when the transition process – and growing crisis – reached the summer of 2013 was 'the street' represented and supported by UGTT. Growing unemployment and worsening economic conditions for the broad Tunisian population created a disappointment with the Troika and led to protests, demonstrations and strikes. The consolidation of a new leadership of the UGTT in 2011 made the union a strong player who also sought to influence politics. Their strongest means for putting pressure on the government was to organise strikes and demonstrations at critical moments for the Troika – a well-known 'weapon' used by 'the second level' of the UGTT as opposition to President Bourguiba and President Ben Ali, for instance in the 1978-uprising as described in chapter 2.

In this way, a well know triangle from the 1970s and 1980s was re-established:



Nidaa Tounes was in one way new in the constellation but, as described, the party was founded by a large number of prominent personalities from the two former regimes and is considered by many as representing the old regimes.

The dispute and contestation from the opposition concerned first of all the fact that it took much longer than the envisioned period of one year to draft the constitution. The opposition both feared the Troika and especially Ennahda being in power for too long and that other pressing issues were not adequately addressed, such as the growing terror threat and need for economic reforms. There are two main reasons why the drafting of the constitution dragged on.

Firstly, the ANC was drowning in the many responsibilities and current issues that followed from governing a country in transition such as parliamentary responsibilities of legislating and of government oversight. It was further challenged by events both nationally and in the region which occurred as a consequence of popular uprisings and the disintegration of several Arab countries.

Secondly, it was decided to give the responsibility of the drafting of the constitution to the deputies themselves instead of accepting the proposed solution of giving this responsibility to a technical drafting commission. However, the deputies had no or only very little expertise in legal issues and this meant that throughout the process of drafting, many 'crises' erupted in the ANC. Very often, these crises were immediately transferred to the public debate where structured and non-structured democratic forces (political parties of the opposition, civil society, lawyers, law experts, women's organisations, media professionals and others) joined efforts and became hostile towards the existing structures which were not supportive of their own ideology.

With the support of the UNDP and several other national and international organisations, the NCA opened to the public and tried to consult with civil society, experts, and the population at large (in public forums in the regions) in drafting the constitution. Despite these efforts, the first version of the document³⁵ presented on 1 June 2013 to the president of the ANC, the deputies and then to the media, was judged as being of limited quality and triggered much opposition from the structured and non-structured democratic forces.

Although an important hurdle in the drafting of the constitution was solved on 24 July by the consensus committee³⁶ it was not sufficient to bring the process back on track. When the opposition politician

³⁵ For the Arabic version of the first draft constitution see www.anc.tn/site/main/AR/docs/divers/projet_constitution_01_06_2013.pdf (last retrieved 3 December 2016). A translation into French is available at www.businessnews.com.tn/projet-de-constitution-version-juin-2013-traduction-non-officielle-a-telearger,525,38651,3 (last retrieved 3 December 2016).

³⁶ Interview with Lobna Jeribi, MP for Ettakatol at time of ND, Tunis, 25 October 2016.

Mohamed Brahmi was assassinated on 25 July 2013 the polarisation among the political actors and the critique from the opposition had grown so strong that the assassination became *the* event which triggered a complete breakdown.

On the one side, the opposition demanded the resignation of the government and the dissolution of the ANC without proposing an alternative. On the other side, the government and especially Ennahda was claiming their electoral legitimacy and refused to hand over power³⁷.

Consequently, the following National Dialogue addressed three core issues with the following focus:

1. Governmental (a call for a technocrat government)
2. Constitutional (limited mandate of NCA, finalise constitution)
3. Electoral (elaborating code and setting up process)³⁸.

4 The 2013 National Dialogue: structure, process and outcome

This chapter analyses the National Dialogue, which evolved from the assassination of the politician Mohamed Brahmi on 25 July 2013 to the approval of the new constitution by the ANC on 26 January 2014, and concerns three questions: governmental, constitutional and electoral prospects for the further transition process.

The Tunisian National Dialogue did not unfold as a well-planned process with a deliberate design.

Rather, the National Dialogue was a response to an acute political crisis in which there was a risk that the country and the transition process would collapse completely. The situation was so tense and rhetoric so harsh that Tunisians at all levels feared that Tunisia would suffer from the same chaotic armed struggle or a new authoritarian, repressive, regime which was what they saw elsewhere in the region.

Hence, the Tunisian National Dialogue served as an instrument for crisis management and the instrument was implemented while the crisis was still unfolding. The Tunisian National Dialogue was indeed an ad hoc process. At times, several parts of the process took place at the same time.

For the aim of the analysis, however, some structure of the Tunisian National Dialogue must be created. This can to some extent be done in retrospect. But as the process unfolded ad hoc there are parts of 'the structure' that overlap. In this chapter on the Tunisian National Dialogue the following structure for the process has been created:

1. Timing and ripeness
2. Preparation I: The set-up of the Quartet.
3. Exploration: The challenge of accepting the National Dialogue process.
4. Preparation II: Agreeing on a roadmap.
5. Implementation of the Roadmap and stumbling blocks.

The analysis follows the four steps outlined above and addresses questions such as:

³⁷ See H. Yousfi and C. Hmed 2013. *Non à l'assassinat de la révolution tunisienne*, Le Monde, July 31.

³⁸ www.ugtt.org.tn/fr/2013/10/10/initiative-du-quartet-parrain-du-dialogue-national-pour-la-resolution-de-la-crise-politique/.

Why did the process happen when it did? What overarching function was the National Dialogue supposed to fulfil? How was the National Dialogue prepared? What was the format of the National Dialogue? Why was this format chosen? What were the process details? What were the main stumbling blocks and challenges? How was the National Dialogue implemented?

4.1 Timing/Ripeness

Since February 2013 the situation in Tunisia had been tense at all levels. The economy was blocked and unemployment was continuously rising, armed groups challenged the security situation, the drafting of the constitution faced difficulties and the process was slowed down, and the Troika refused to meet the opposition's demand of replacement with a technocrat government. On the political level the split between the government (and especially Ennahda) on the one side, and the left-wing and secular opposition (including former leaders of the RCD under the umbrella of Nidaa Tounes) grew deeper and the rhetoric became increasingly harsh. In between, the UGTT defended the workers and the broad Tunisian population and put pressure on the government to deliver on the demands of the revolution – socio-economic reforms – by calling for demonstrations and strikes. This created acute crisis which the government had to solve in parallel to their work on the draft of a new constitution.

The situation was extremely tense when the assassination of the left-wing politician Mohamed Brahmi took place on 25 July 2013.

From 26 July, the day after the assassination, opposition forces, political parties, civil society, media, legal professionals and the population at large expressed its strong objection to the politics of the previous years of Troika rule, and took to the streets in massive demonstrations. Thousands of people participated in the 'Bardo 2 sit-in' in front of the ANC, situated in the Bardo Palace, ten thousand marched at night to and around the Bardo Palace, with the mobilisation of ANC members (elected political representatives), political personalities, civil society organisations and people at large. They were calling for the departure of Ennahda and some were even harsher and called for an Egypt-like ousting of Islamists. Instead, they wanted a government of technocrats and the finalisation of the constitution by a specialised committee. Supporters of Ennahda, on their side, organised other sit-ins in the same locations defending Ennahda and the Troika's electoral right and fearing a coup. The Bardo became the epicentre of the political crisis and there were fears of violent clashes between the opposing groups.

At the same time, civil society actors and politicians had informal spontaneous meetings which were not based on a clear plan, but merely on a clear perception that all forces had to be joined to keep the country from going down the path of destruction. Ennahda reacted to the demand to dissolve the government and for the suspension of the NCA by meeting with political parties from outside the Troika, for instance Wafa, Mahabba³⁹.

It was of importance at this critical moment that many of the actors knew each other from the years and decades before the uprising and that they had created various coalitions. They simply had each other's phone numbers and made phone calls and arranged face-to-face informal talks about how to get the process back on the track.

³⁹ Mahabba is the former party Aaridha led by Hachemi Hamedi (an ancient leader of Ennahdha) and a strong opponent of Ennahda.

However, when almost one third of the ANC deputies of the opposition withdrew – they simply walked out of the ANC in protest, not to return again – it became extremely difficult to continue the constitution process in its current form.

4.1.1 Suspension of the ANC

Lobna Jeribi of the Troika party Ettakatol explains: ‘We could have perhaps continued the process with math, but not politically’, referring to the fact that there could still have been created a majority for the constitution. Deputy speaker of parliament and Ennahda member, Meherzia Labidi echoes this sentiment: ‘Legally, yes, we could have pushed through the constitution at the time, but what are we going to choose? Are we going to cling to our electoral legitimacy and say “we have two thirds of the parliament, we will push through the constitution” or are we going to enter this dialogue, not only to save the voting of the constitution, but to save the process in general’⁴⁰.

Following from this, the President of the ANC and head of the Ettakatol party, Moustapha Ben Jaafar, suspended the Assembly on 6 August, Ben Jaafar explains that the intention was to shake the opposite parties to make concessions and reach a reasonable deal⁴¹. Meherzia Labidi, Ennahda, explains that ‘It was impossible to continue the constitution writing when the opposition walked out. Legally, yes, we could have done it, but it was not an option’⁴². There was a need, Ben Jaafar explains, for an action which could set the process on the move: ‘It was clear that we needed a bomb, something to shake things up.’ However, the decision was not an easy one. ‘The bomb’ could either destroy everything that had been built up in the previous 2 ½ years, or it could clear the path so new and more fruitful seeds could begin to grow. The tension of the situation and the uncertainty that Ben Jaafar and the Troika had about the decision until the very last moment is well expressed by Ben Jaafar: ‘As I stepped to the microphone, I was still uncertain about what I was going to say’⁴³.

4.1.2 The Paris meeting: First step in trust building

Informal meetings and discussions of a way out of the crisis, and the parties’ conditions for this, continued well into the middle of August. Negotiations took place between UGTT and Ennahda’s leader Rached Ghannouchi, who expressed the party’s openness to dialogue with secular opponents but refused completely the demand of removing Prime Minister Ali Larayedh. Ghannouchi also met with the U.S. Ambassador, and Beji Caid Essebsi, the head of Nidaa Tounes, on 12 August in an attempt to establish a dialogue between the two parties but without a concrete result.

On 13 August two large, popular demonstrations took place in Tunis. The first one gathered 40,000 supporters of the secular and left-wing parties, especially Nidaa Tounes, while the second filled the Avenue Bourguiba in downtown Tunis with supporters of Ennahda⁴⁴. This was the biggest mobilisation since the

⁴⁰ Interview with Meherzia Labidi, Deputy Speaker of parliament at time of ND, Ennahda, Tunis, 26 October 2016.

⁴¹ <http://ettakatol.org/processus-transitionnel/?lang=fr>.

⁴² Interview with Meherzia Labidi, Deputy Speaker of parliament at time of ND, Ennahda, Tunis, 26 October 2016.

⁴³ Interview with Mostapha Ben Jaafar, President of the Constituent Assembly at time of ND, Ettakatol, Tunis, 27 October 2106.

⁴⁴ Reuters “Tunisian secularists and Islamists in rival rallies, no clashes”, August 13, 2013. www.reuters.com/article/us-tunisia-crisis-march-idUSBRE97C0ST20130813 (last retrieved 14 January 2017).

assassination in July as supporters for both sides of the conflict were on the streets. Therefore, the two demonstrations on this day became a turning point. It was clear that something urgent had to be done to prevent a clash and further turmoil⁴⁵.

First and foremost, a trust building process had to be established between ‘Islamists’ and ‘secularists’ – represented by Ennahda and Nidaa Tounes. This was difficult as it was not just a logistic question of setting up meetings but also a question of bridging decades of the one’s participation in the repression, imprisonment and exile of the other. The tense attention of the public and the media on every move made by the political actors made it difficult for the two parties to find spaces where issues could be discussed and opinions be expressed openly and frankly.

Thus, in great secrecy, a meeting took place in Paris on 15 August – two days after the big demonstrations in Tunis – between Ghannouchi and Béji Caid Essebsi. Only a handful of political advisers on both sides knew about the meeting and participated in the preparations⁴⁶. A location outside of Tunisia was the only possibility, they could not meet in their party offices or their homes as the attention from the media was too heavy.

Ghannouchi comments that: ‘This meeting was very important. Real change happened after this meeting. I realised that we have to go beyond history to unify the country. The peace in the country was threatened and even the democratic transition is threatened after what happened in Egypt. And the country needs to be unified and the past needs to be the past’⁴⁷.

The meeting was revealed to the public late on August 15 and news articles were followed by the photo of the historical event of Ghannouchi and Essebsi sitting next to each other with coffee cups on the table like a couple of good friends. This sent a positive message to both camps in the national crisis and was a first ice-breaker to the deadlock. Nevertheless, as the complications of the process which followed demonstrates, the importance of the meeting should not be exaggerated.

4.2 Preparation I: The set-up of ‘the Quartet’

UGTT also tried to act as a mediator between the parties. After the Paris meeting UGTT met with Ghannouchi a few days later, on August 19, but without real advancements. But UGTT was challenged in this role by its close ties with the left wing.

Simultaneously, UGTT multiplied its meetings with political actors and civil society in order to strengthen their role as mediator and to be able to find a solution which could be broadly accepted. They met in particular with the LTDH and the Bar Association, but they also realised that they, too, had to bridge a historical gap and join forces with the business union, the UTICA.

Gradually, a coalition between the four actors – the UGTT, the UTICA, the LTHD and the Bar Association – was created which later would be known as ‘The Quartet’. The set-up of the Quartet was not an outcome of regular meetings but the result of a numerous talks and unofficial meetings with representatives of civil society, political parties and ambassadors in Tunisia⁴⁸. Together, the four major civil society organisations could, however, create the necessary legitimacy to act as a mediator trusted by both sides:

⁴⁵ Interview with Lobna Jeribi, MP for Ettakatol at time of ND, Tunis, 25 October 2016.

⁴⁶ Interview with Amer Laareidh, head of the political bureau and representative in the ND, Ennahda, 27 October 2016.

⁴⁷ Interview with Rachid Ghannouchi, co-founder and intellectual leader of Ennahda, Tunis, 27 October 2016.

⁴⁸ www.huffpostmaghreb.com/2015/10/10/dialogue-national-tunisie_n_8270372.html.

UGTT

There is broad consensus that UGTT and Houcine Abbassi had the leading role in the Quartet⁴⁹. **UGTT had already during 2012 and 2013 launched several initiatives** aiming to set up a National Dialogue⁵⁰. Although the new leadership of the UGTT did not have direct party affiliations, the dominant trend within the UGTT is opposed to Islamists. Hence, the UGTT gain legitimacy from the left-wing and secular opposition and their supporters as the rampart against a theocratic project of state and society.

Houcine Abbassi was in the same line, critical against Ennahda but accepting their right as a political party. His attitude is a key variable to understanding the success of the National Dialogue. With his long experience in the UGTT, Abbassi engaged in endless meetings and hectic negotiations from the right to the left of the political scene. He had to zigzag between the antagonisms taking into account backroom dealings (such as the Paris meeting) and personal relations between the various actors engaged in the National Dialogue.

UTICA

Given UGTT's close ties to the left wing and secular opposition it was difficult to gain the trust of Ennahda alone. Support from the president of the trade union UTICA and its leader Wided Bouchamaoui was crucial to the process. Bouchamaoui is reputed to be close to Ennahda and a coalition between UGTT and UTICA would establish a balance on the ideological and political trends within the Quartet. Second, it was important to assure business spheres a share in the National Dialogue because most business leaders had had close relations to the regime and needed some guarantee that they would not be excluded and persecuted by the other actors.

LTDH

The president of the LTDH, the lawyer Abdessatar Moussa, represented an added value to the UGTT initiative. The Tunisian political landscape (right and left wings) and foreign observers agree on his impartiality as the head of the League and because LTDH was seen by all actors as neutral Moussa – and with him the LTDH – also added to the balancing of UGTT. Furthermore, many Ennahda leaders and supporters were active within the frames of the LTDH during the Ben Ali regime so the LTDH represented a sort of safeguard entity for Ennahda.

The Bar Association

The Bar Association as component of the Quartet was important to the extent that it had been present in and at a very early stage endorsed the popular uprising from 17 December 2010 onward. It was well known for its opposition to the Ben Ali regime as it had strong clashes with the regime in the 1990s and 2000⁵¹. One of its leading figures, Chawki Tabib, has historically had close ties to both the LTDH and the UGTT.

The following accounts demonstrates how the set-up of the Quartet was not a well-planned and structured process and that many meetings between the four organisations took place simultaneously so that it is not

⁴⁹ ettakatol.org/processus-transitionnel/?lang=fr, and Aziz Krichen, "La promesse du printemps", Tunis, SCRIPT EDITIONS, 2016, 268-269.

⁵⁰ On 18 June 2012, October 2012, and 16 May 2013.

⁵¹ See Gobe, Eric 2010. "The Tunisian Bar to the test of authoritarianism: professional and political movements in Ben Ali's Tunisia (1990-2007)", *Journal of North African Studies*. 15, 3, 333-347.

possible to state clearly who was first to propose the idea of a coalition. It is clear, nevertheless, that the UGTT initiated the National Dialogue and was the first, even the only, organisation who issued a communiqué with the draft of what would later become the road map.

Mustapha Ben Jaafar, Ettakatol explains:

‘UGTT and the Lawyers Association were the two major organisations that held meetings in the premises in downtown [Tunis]. UGTT and the lawyers both played a major role. They tried to take over, supervise/guide the movement. But they were not alone, civil society was important. The lawyers had their offices in the ministry of justice, they held meetings there⁵².’

Ali Zedini, LTDH, explains:

‘After the killing of Brahmi and the crisis that ensued, the National Council of the LTDH and UGTT decided to launch a National Dialogue and a roadmap. Already after the assassination of Chokri Belaid (February 2013), the LTDH issued a communiqué in parallel with the UGTT also issuing a communiqué. Both had the same content, so after that they spoke together.

Then we involved the lawyers. The LTDH had also worked with the lawyers before and there was also an overlap with the LTDH. Then we realised we needed UTICA to represent all of society. UTICA is important in national interest. So we asked UTICA to join. Historically, they are on the other side; many international observers didn’t understand this coalition, but it was important to have UTICA for wide representation⁵³.’

4.3 Exploration: The challenge of accepting a National Dialogue process

The Quartet did not have a direct mandate, but tried to keep dialogue going through back door talks. When there was a challenge, the Quartet intervened and tried to find consensus. The Quartet under the lead of Houcine Abbassi, as outlined above, held individual meetings with the various political parties. The first task for the Quartet was to clarify the doubts and demands of each of the opposing sides to enter into dialogue about the further process, i.e. to establish a dialogue about the frame for the National Dialogue.

The opposition – consisting of the left-wing coalitions (Al Joumhourî and Front Populaire) and Nidaa Tounes emphasised that the constitution should have been written in one year and blamed the Troika for having stayed in power for three years. Therefore, the opposition no longer saw the Troika as legitimate and claimed that their mandate had expired. They demanded that the government step down – not dialogue. It was a challenge for parts of the opposition to come to terms with the fact that it could no longer stand outside the political sphere – by demonstrating, walking out of the ANC or using harsh rhetoric – but that it now had to enter into a formal dialogue where it also had to listen and could not push through all its demands.

Ennahda on their side insisted on the legitimacy of the polls. They emphasised that the Troika had been elected in free and fair elections and that the mandate of one year was guiding and not binding.

At earlier dialogue attempts Ennahda had also refrained from entering into the dialogue with reference to the polls: politics and political discussions should take place within the ANC. But in July-August 2013 there was a new challenge for consideration for Ennahda for joining a National Dialogue: Nidaa Tounes would be

⁵² Interview with Mostapha Ben Jaafar, President of the Constituent Assembly at time of ND, Ettakatol, Tunis, 27 October 2016.

⁵³ Ali Zedini, LTDH, vice president at the time of ND, Tunis, 27 October 2016.

part of it and Ennahda would have to sit down and negotiate with this party. For Ennahda negotiating with Nidaa Tounes was not merely negotiating with a major political contender. Rather, Nidaa Tounes had strong ties to the former regime, which was responsible for Ennahda members' exile, imprisonment and torture and Ennahda saw them as an extension of the former regime⁵⁴. The events in Egypt as a broader context and the harsh rhetoric of Nidaa Tounes against all Islamists intensified the fear and reluctance of Ennahda to meet face-to-face with Nidaa Tounes.

For Ennahda it was also a question of trust in the Quartet which from their opinion sided with the opposition in the beginning.

Disagreement about the question of joining the National Dialogue also unfolded within Ennahda. The base wanted to keep power and looked at the short term, the leaders looked at the long term perspective. They wanted to establish structures, legal frameworks, and institutions which could eventually lead to democracy.⁵⁵ This demonstrates that the National Dialogue was not only a process between the opposing parties but also a process at a personal and individual level where everyone had to understand what was at stake.

The decision of joining the National Dialogue was based on an understanding of the deep gravity of the situation. Ali Laareidh explains the importance of the broader context: 'We were fearing civil war, this pushed us towards stepping down',⁵⁶ while Meherzia Labidi focuses on the importance of the success of the drafting of the constitution when she explains that 'We entered the dialogue to save the process'.⁵⁷ Ennahda was not the only Troika party with these considerations. Lobna Jeribi from the Ettakatol explains that 'we had to sacrifice being in government to get the constitution going'⁵⁸.

4.4 Preparation II: Agreeing on the Roadmap

In a retrospect reconstruction of the events, the next step was to establish consensus about the framework for the National Dialogue, the questions which the National Dialogue would address and the timeframe for the National Dialogue. In reality, this step was initiated already in the days after the assassination in July. Already on 29 July – a few days after the assassination of Mohamed Brahmi – UGTT published a declaration as a suggestion of a frame for the further transition process. At that moment the parties were too far from each other and there was no trust between them so the suggestion was rejected by Ennahda. Ali Laareidh explains how Ennahda perceived the declaration: 'The Quartet was originally very rigid, against the government, they were happy with Egypt, wanted this. But they became smoother. The first roadmap was more towards the opposition, but later it was moved more towards the centre'⁵⁹.

After the formal establishment of the Quartet and the improved legitimacy as mediator the idea of a declaration was taken up again. UTICA had from its internal reform after the uprising experiences with a 'roadmap' which was in line with the idea of a common declaration presented by UGTT. After negotiations within the Quartet and with the parties the declaration from 29 July was slightly modified

⁵⁴ Interview with Rachid Ghannouchi, co-founder and intellectual leader of Ennahda, Tunis, 27 October 2016.

⁵⁵ Interview with Ali Laareidh, Prime Minister at the time of ND, Ennahda, Tunis, 26 October 2016.

⁵⁶ Interview with Ali Laareidh, Prime Minister at the time of ND, Ennahda, Tunis, 26 October 2016.

⁵⁷ Interview with Meherzia Labidi, Deputy Speaker of parliament at time of ND, Ennahda, Tunis, 26 October 2016.

⁵⁸ Interview with Lobna Jeribi, MP for Ettakatol at time of ND, Tunis, 25 October 2016.

⁵⁹ Interview with Ali Laareidh, Prime Minister at the time of ND, Ennahda, Tunis, 26 October 2016.

and became the document called ‘The Quartet National Dialogue Initiative’ – referred to as ‘The Roadmap’⁶⁰ presented by the Quartet to the parties on 17 September.

The roadmap mandated the Quartet as the leader of the National Dialogue based on an acceptance by the actors, referred to as ‘political stakeholders’. It further installs The Roadmap as the frame established by consensus for the National Dialogue:

‘The organizations sponsoring the National Dialogue, namely the UGTT, the UTICA, the National Bar Association and the Tunisian League of Human Rights propose a roadmap that translates the will of the political stakeholders to resolve the crisis and that represents an implementation of the dialogue sponsors’ initiative that was presented to and discussed with the political parties’⁶¹.

As the aim the Roadmap defines that the National Dialogue is not dialogue but negotiations and that these concern the controversial issues of the political transition:

‘The political stakeholders shall undertake to continue the National Dialogue under the auspices of the four organisations as a framework of negotiations to solve the contentious issues that preclude the successful completion of the transitional period and to support the government in the performance of its duties’.⁶²

Then, the Roadmap specifies these contentious issues which are listed as four points:

- 1) The formation of a government of national competences – i.e. a technocrat government to replace the Troika.
- 2) The limitation of the role of the ANC to voting for or against the final draft of the constitution.
- 3) The establishment of the Instance Supérieure Indépendante pour les Élections (ISIE) (High Independent Instance for the Elections) to organise the coming elections.
- 4) The adoption of the electoral bill.

Hence, there are three areas of concern: Governmental, constitutional, and electoral.

Several timeframes were defined in the Roadmap. These would, however, prove to be contested issues even after the signing of the Roadmap and negotiations and disputes over the timeframe continued simultaneously with the implementation of other parts of the Roadmap.

The second output – finalisation and approval of the constitution – should be done in four weeks, while the establishment of the ISIE and the completion of the electoral law should be completed in two weeks.

These timeframes quickly proved to be very optimistic and impossible to meet.

Consequently, the roadmap was negotiated between 17 September and 5 October where it was signed by the parties⁶³. Even on the day of the signing, Ennahda was hesitant to sign, leading to a three-hour talk between Abbassi and Ghannouchi behind closed doors with the press waiting outside.

Nevertheless, after weeks of meetings, corridor talks and negotiations 23 political parties agreed to enter into a process of National Dialogue; namely the 27 parties of the ANC with exception of the CPR and Moncef

⁶⁰ See annex 2 and 3 for English and Arab versions of the Roadmap.

⁶¹ See annex 2.

⁶² See annex 2.

⁶³ www.universalis.fr/evenement/5-30-octobre-2013-debuts-mouvements-d-un-dialogue-national/.

Marzouki, and the party Tayar Al mahabba (former Aridha party) of Hachemi Hamdi. Both of these parties did not sign the agreement. The party Attayar Dimokrati (Democratic trend) of Mohamed Abbou and Wafa party of Abderraouf Ayadi both refused to participate from the beginning. Nidaa Tounes also agreed to enter into a National Dialogue process.

4.5 Implementation of The Roadmap and stumbling blocks

The timeframe in the Roadmap envisions that the negotiations and the implementation of the three points would unfold in parallel. However, as had been the case before the National Dialogue it was the same politicians that had to negotiate and implement with the result that they were at times drowning in duties and dialogue, and the negotiations at times were blocked because of disputes over one of the four points. Consequently, the timeframe was exceeded and the total process took much longer than prescribed in the Roadmap.

4.5.1 Continued terror and pressure from ‘the street’

The establishment of the Quartet and the signature of the Roadmap by the political parties did, however, not solve the atmosphere of crisis and popular protest and pressure on the Troika to step down immediately. On 23 October, 2 years after the elections of 2011 that brought Ennahda to power, thousands of opposition activists protested in central Tunis, demanding the resignation of the Troika as the first step and before a National Dialogue would begin. The protesters gathered on the central Habib Bourguiba Avenue in the capital, waving Tunisian flags and shouting slogans such as: ‘The people want the fall of the regime’, ‘Get out’ and ‘Government of traitors, resign!’⁶⁴

The same day, Tunisian police officers clashed with an armed group in a confrontation in the region of Sidi Bouzid. This reinvigorated a popular demand for the politicians to immediately find a solution to the terror threat and insecurity. This created new tension in the political process and influenced the atmosphere of the National Dialogue and put pressure on the political parties in the National Dialogue. The event reminded everybody that the National Dialogue was not only about agreements on a number of issues in a political process but also a question of a guarantee of civil peace and security

4.5.2 Replacement of the Troika government with a government of technocrats

The first output of the Roadmap, the replacement of the Troika government by a technocrat government was a stumbling block which delayed the process. The roadmap defined that a new head of government should be appointed within one week and that this person would lead consultations for the formation of a new government which should be in place within two weeks.

The first challenge was the timing of the change of the head of government and the replacement of the government in relation to the signature of the new constitution. First, Ennahda did not agree to hand over power before the new constitution was finalised and adopted. Lack of trust meant that they feared that the opposition would draft a constitution which limited or prevented Islamists parties’ activism. They were not willing to take this chance and to give up the freedom they had gained through the uprising. Second, it was

⁶⁴ www.aljazeera.com/news/africa/2013/10/tunisia-pm-pledges-resign-ignite-talks-201310251334486439.html.

in Ennahda's interest that the party would still be head of government when the constitution was approved so that the constitution would bear the signature of Ennahda represented by head of government Ali Laareidh. Otherwise it would be the signature of a technocrat Prime Minister; Marzouki as a president (CPR) and Ben Jaafar as president of ANC (Ettakatol) – but without the historical footprint of the impact Ennahda had on the country's first freely elected government.

Second, the continuing question was the profile and the names of the new government. The word 'technocrat' was very much appreciated by the public as opposed to a partisan government. Much time was spent during the negotiations trying to define the profile of 'technocrat', and then much effort and time was spent on the name of this personality that would be accepted by all participants in the National Dialogue. The general opinion was that the selection would be for a name from the left family (not necessarily a political personality) given the weight of the UGTT in the negotiation and given the willingness to show a rupture with the replaced government of Islamists.

On 14 December, after nearly two months of discussions of names, the selection was announced of Mehdi Jomaa, who had a technocrat profile but had held an office in one of the Troika governments. The selected personality came as a surprise to many and several participants were against this choice but had to endorse it for the sake of success of the National Dialogue and to get out of the deadlock. However, the wise composition of the government team was a widely-agreed composition and it released some of the tension and opposition mentioned by critics of the new Head of Government.

4.5.3 The finalisation of the constitution according to a new procedure

In June, before the start of the crisis, the president of the ANC presented a draft constitution. The draft, presented as one of the best versions, was widely criticised as it failed to resolve many of the pending issues in the text. Opposition parties, legal experts, civil society and the public at large had major concerns about this version and were opposed to its adoption. Furthermore, there was public frustration about seeing a constitution pass in a vote in an assembly where the Troika has a majority.

As such the component of the finalisation of the drafting of the constitution was put on the table of the National Dialogue and mentioned in the Roadmap. A rather easy solution was found to this dead end, whereby the ANC would resume its work and withdrawn deputies would go back to work in the ANC. In return sensitive new mechanisms of improving the drafting process were established. This new method consisted of the creation of a 'Committee of Consensus' where sensitive issues were debated among representatives of all parliamentary groups (one group-one voice) with the support of experts and a consensus had to be reached without going to a vote. Very sensitive issues would also be debated during the National Dialogue in order to reach a political deal to be later translated at the new committee in the form of a constitutional settlement. The process was successful in the sense that it rather easily solved most of the pending issues in the constitution, improving it significantly and taking it away from the conservative influence.

Ben Jaffar chaired the Consensus Committee and played an important role which has not been acknowledged since or given the same attention as the Quartet⁶⁵.

⁶⁵ Ali Zedini, LTDH, vice president at the time of ND, Tunis, 27 October 2016.

On 26 January 2014, the new constitution was adopted by the ANC by a 200-12 vote with 4 abstentions. The constitution has 146 articles and provides for a unitary semi-presidential representative democratic republic with a President serving as head of state (but with restricted attributions), a President of the government (who is the new first power of the executive), and a unicameral legislature: The *Assembly of the Representatives of the People*.

The finalisation and adoption of the constitution was regarded as one of the major deliveries of the National Dialogue.

4.5.4 The agreement on the election process

Throughout the work of the ANC, frustration was growing among political parties and civil society regarding the delays in preparing the legislative elections, due after the finalisation of the Constitution. In this regard, there were delays in establishing a new election commission, ISIE (after dismissal of the first commission that organised the elections of 2011) and the ANC made no advancement in the finalisation of the election law.

As mentioned above, one of the four main points of the Roadmap was to finalise the preparation of this process by selecting members of the ISIE commission. Also in this context, the choice of a neutral personality to head the commission which all parties could agree on became a stumbling block and evolved as a critical process. After discussion and debate at all levels, Chafik Sarsar, docent in public law with no partisan affiliation, was selected to head the commission on January 9 – two and a half months later than prescribed by the Roadmap.

Also in this process, the ANC agreed on the electoral law after political deals concluded during dialogue and translated into legal provision at the ANC in order to finalise the election law of 2013, accepted by different coalitions and parties on the Assembly.

Elections were held in October and November 2014 – nine months after the adoption of the new constitution.

4.6 The role of external and international actors

After the ousting of President Ben Ali in January 2011, foreign donor agencies rushed into Tunisia to support the transition process in the form of foreign direct investment, loans, aid, and technical assistance. Before the uprising, only very few donors operated in Tunisia. European donors established soon after the uprising a coordination through donor-meetings which are held on a regular basis.

By country, the US government supported Tunisia through the United States Agency for International Development (USAID) and MEPI. The EU institutions, including the European Commission supported among others through the work of the EU office in Tunis, and EU member states (in particular France, Spain, Germany, Italy and Denmark) supported with individual programmes. Several Arab states became engaged in Tunisia as discussed above, in particular Qatar, the United Arab Emirates (UAE) and Kuwait, and the Kuwait-based multilateral Arab Fund for Economic and Social Development (AFESD).

With regards to inter-governmental bodies, The United Nations Development Programme (UNDP) became firmly established in Tunisia and the UN supported the constitutional process with a dedicated programme.

Furthermore, The International Monetary Fund (IMF) and the World Bank were present and involved in Tunisia.

The vast majority of donors support the areas of media reform, security sector reform, political reforms (elections and constitution drafting), and judicial reforms. Very few target assistance towards primary challenges – such as job creation and employment. Almost all international donors are based in Tunis and have focused most of their activities there while the most significant need and lack of CSO and support is found in the south, west and interior of the country.

European governments and donor agencies are perceived as being ‘biased’ towards Nidaa Tounes and other secular political forces, to the detriment of Islamists⁶⁶.

When the crisis peaked in the summer of 2013, international and external donors became involved in an attempt to prevent the complete breakdown of the country. Ambassadors tried to intervene through UGTT and UTICA, to calm the situation and find a solution⁶⁷. However, at the same time, the EU and its local staff was very careful not to interfere in the parliamentary discussions and let the Tunisians run the process.

It seems, nevertheless, that the Paris meeting was set up with the mediation and encouragement of the US ambassador, the German foreign minister and other foreign ‘observers’ of the Tunisian scene. In light of the events in Egypt, they warned that the Tunisian crisis may be internationalised if the politicians seem incapable of moving toward national consensus⁶⁸.

In September 2013, at the height of the political crisis in Tunisia, the IMF decided to delay a much-needed tranche of a US-\$1.7 billion loan to the country which further propelled the process and put additional pressure on the Troika. The very bad economic situation was one of three points (or two, security being another one) where the opposition (left wing and Nidaa Tounes) really put pressure on Ennahda to step down. At the conclusion of the National Dialogue in December 2013, the IMF released more than US-\$500 million of the loan. This could indicate that the IMF used the loan to put even more pressure on the economy and, consequently on the Troika government which again would support the opposition. It has been argued that Ridha Elloumi, a very influential businessman and co-founder of Nidaa Tounes, exerted great pressure in order to delay the second part of the loan – to put further pressure on the government⁶⁹. But institutional instability and the fact that the conditions set by the IMF for economic growth remained unmet also seem to constitute key factors for delay of the loan.

A number of international NGOs, some of them with expertise within the field of national dialogue, either used their presence in Tunis or rushed in to try to support the process. Given the history of colonialism not only in Tunisia but in the region in general, they were very cautious not to promote their presence and support too clearly but rather worked from behind the scenes⁷⁰.

⁶⁶ Huffington post 2014. www.huffingtonpost.com/mehrunisa-qayyum/tunisias-donor-assistance_b_4818264.html.

⁶⁷ Interview with Nouredine Benticha, Chief political advisor for the presidency of Béja Caïd Essebsi, Nidaa Tounes. Tunis, 26 October 2016.

⁶⁸ www.al-monitor.com/pulse/politics/2013/08/tunisia-leaders-annahda-meeting-paris.html.

⁶⁹ Interview with senior economist, counsellor to the Troika government. The interviewee wants to remain anonymous. Tunis, December 2016.

⁷⁰ Some of the organisations approached during the study were reluctant to talk about their involvement. Furthermore, the limited timeframe of the study did not allow for sufficient interviews with involved donors and civil society organisations in order to clarify their role and approach.

5 Lessons learned from the Tunisian National Dialogue

In this report the Tunisian National Dialogue is defined as the process of negotiations among politicians, political actors and civil society organisations which took place between 25 July 2013 and January 2014. The Tunisian National Dialogue became a tool for political crisis management in the wake of the assassination of the left-wing politician Mohamed Brahmi on 25 July 2013.

Although various initiatives of talks and dialogue have begun since 2012 none of them have managed to encompass a wide range of actors and have not led to anything more than a single meeting or two. Furthermore, there was no maturation of a dialogue climate; rather, disputes between opposing political parties and actors only grew stronger from 2012 to 2013 due to the continuous rise in destabilising factors of the Tunisian economy, security and political environment.

While the region of the Middle East and North Africa has become fragile since the popular uprisings in 2011 and has been plagued by armed struggles, extremely high numbers of refugees and political and economic destabilisation, Tunisia has so far managed the first phase of the political transition from authoritarianism towards democracy. This is not least due to the negotiations that took place in the autumn of 2013 when they country faced collapse. As things looks now, both Tunisia and many of the Arab countries will face severe challenges in the foreseeable future, which will call for many negotiations and dialogue. Lessons learned from the Tunisian National Dialogue could become important and relevant for later similar processes of dialogue.

- ≡ The Tunisian National Dialogue was crisis management and therefore a means to prevent further aggravation after the political deadlock following the assassination of Mohamed Brahmi on 25 July 2013. Consequently, the Tunisian National Dialogue did not unfold as a well-planned process with a thought-through design. Rather, it unfolded as an ad hoc process, a ‘learning by doing’ process, and was implemented while the crisis was still unfolding. This meant that issues solved in the beginning of the process could flare up later on and create a need for new negotiations.
- ≡ The dialogue process was based less on formal sessions than on informal talks, not only among the formal delegates but also by actors behind the scenes. On many occasions, it was the ‘corridor talks’ that ensured the success of the ND.
- ≡ The Tunisian National Dialogue cannot be ascribed to only a few actors (the Quartet, the Troika, Nidaa Tounes etc.), rather many actors on different levels pushing and pulling at the same time. Consequently, several parts of the process took place at the same time and overlapped rather than following a well-planned schedule. The process was also heavily influenced by interventions, demonstrations and sit-ins by government supporters and contenders, as well as by uncritical media coverage and some international actors such as the EU and the visit of Bernardino Leon.
- ≡ The Tunisian National Dialogue took place among actors that have been used to a non-dialogue culture – especially in a political context because of the repressive, authoritarian regimes which have ruled the country for the last 60 years. Hence, the actors in the National Dialogue had weak dialogue competences; the core dialogue instruments of listening, and understanding and accepting others’ views had to be learned while the dialogue process was unfolding.
- ≡ Nevertheless, a charismatic leader or institution – the UGTT and in particular Houcine Abassi – was a key element behind the success of the Tunisian National Dialogue especially because no

process was designed beforehand. To balance the weak process, the role of that leader/institution becomes very relevant.

- ≡ The Roadmap provided a framework for clarifying and creating a focus on the concrete and pending issues which needed to be solved to break the political dead-lock and send the country back on the track of transition. However, as the crisis was still unfolding it only became clear to some of the actors after the signing of the Roadmap that certain issues needed further negotiations (among others, the timeframe). This slowed down the process and created further disputes. The outcomes of the process shall be measurable and with clear timelines and milestones and it is a good investment for the future process to spend enough time on this in the inception phase.
- ≡ Although the Roadmap had clear indications of the timeframes these were not respected during the actual process and the process was postponed several times and at times made very slow progress. National dialogue processes shall be kept relatively short (few weeks or very few months) to keep the momentum, keep the protagonists to their promises and to avoid a feeling of deception among the general public.
- ≡ The National Dialogue was highly centralised at a political high level and not open to the public. The process was lacking public consultation mechanisms, and consequently the wider population felt excluded and that their demands from the popular uprising in 2010-2011 was hi-jacked by an old, political and intellectual elite which did not address the pressing needs of socio-economic reforms which were at the origin of the uprising.
- ≡ International and external actors should be careful not to impose the design of a Western style process but rather support a national design which reflects the actual conflict and its actors. External actors should act with least visibility. In supporting National Dialogue external actors should not use conditionality, link support of National Dialogue to other means of support and be very careful not to be biased as this will destabilise the dialogue process.

5.1 Concluding remarks

The Tunisian National Dialogue from July 2013 to January 2014 did not take place smoothly or without issue but managed, however, finally to establish a certain political stability and consensus among the various political actors and not least to break the political deadlock allowing the transitional process to continue. On the one side, Ennahda and the Troika avoided a loss of legitimacy as governor by maintain the ANC. On the other side, the opposition – with the controversial leadership of Nidaa Tounes – finally acquired the resignation of the Islamist-led government and substitution with a ‘technocrat’ government and hence paved the way for increased influence on the governing of the country.

During the process the UGTT was strongly pushed by the opposition to take political action. The internal reforms of the UGTT in 2012 made it a strong player which sought to position itself and influence the ongoing political struggle for power and shaping of the future of the country. The most radical members wanted to confront the Troika government while the more moderate members felt the danger of crossing the limits of the unions’ mandate as representatives of the Tunisian workers. The UGTT balanced the delicate situation not least through its will for negotiations.

As has been discussed in the report the UGTT was clearly a political actor building up this position during 2012 and stepping into character in 2013 with the formation of the Quartet, the mediator of the *political* process. Although the UGTT drew its power from its social consolidation and support there is no doubt that it has strengthened its position as an unavoidable *political* actor. This calls into question how to perceive not only the UGTT but also UTICA, LTDH and the Bar association, forming together the Quartet, as well as the other 'old' organisations which pushed and pulled in building up the crisis and participated in the National Dialogue: Are they civil society actors? Or should they be perceived as part of the new political elite in post-uprising Tunisia?⁷¹

The National Dialogue brought many actors together in a common will to save the country from complete collapse. However, it is important to bear in mind that the crisis, which constituted the need for the Quartet, the Roadmap and the National Dialogue, was deeply rooted in the Tunisian past. As has been discussed in chapter 2 the main actors of the Tunisian political process as it played out from March 2011 are 'old actors' that were active as political opposition parties, individual opposition figures or opposition civil society organisations before the uprising. As part of the Ben Ali regime's 'divide and conquer' politics these actors were put in their corners and played against each other resulting in disputes, splits and competition over support from the Tunisian population. This picture of opposing political forces and lack of strong coalitions continued after the ousting of the regime in January 2011 and constituted the basis for the crisis growing during 2012 and 2013. The disputes were more often between individuals over positioning and power than over differing ideological perceptions of how to reform and govern Tunisia.

All of this has led to critical voices not least from the broad Tunisian population which consider the National Dialogue as an elite project which came as a response to the political crisis – the crisis of the elite, while the daily crisis of the general public has only worsened since the uprising. They rightly blame the politicians for focusing too much on the political transition and for not addressing the original demands from the uprising.

There is no doubt that the transitional process in Tunisia requires further dialogue – wide National Dialogue – which includes not only elites and politicians but the population at large. The legacy of the authoritarian rules and the lack of security and stability in Tunisia and the neighbouring countries leaves many pressing issues and problems – caused by both current and historical premises – which call for open-minded articulation, dialogue, negotiations and reconciliation.

⁷¹ For a critical discussion of the conceptual understanding of 'civil society' in Tunisia – especially in a post-uprising context – see Yousfi, Hèla (2017) "Faut-il encenser la 'société civile' en Tunisie?", *Orient XXI*, January 24. orientxxi.info/magazine/faut-il-encenser-la-societe-civile-en-tunisie,1673 and Haugbølle, Rikke Hostrup 2016. "‘Together for Tunisia’: Tribal Structures and Social and Political Mobilization", *Middle East Institute*, Oct. 19. www.mei.edu/content/map/together-tunisia-tribal-structures-and-social-and-political-mobilization.

6 Annex

List of interviewees

Interviews conducted during mission to Tunis from 24-28 October 2016

- October 25 Lobna Jeribi, MP for Ettakatol at time of ND
 Omeyya Seddik, Centre for Humanitarian Dialogue
- October 26 Meherzia Labidi, Deputy Speaker of parliament at time of ND, Ennahda
 Ali Laareidh, Prime Minister at time of ND, Ennahda
 Mongi Rahmy, MP for National Democratic Party at time of ND
 Noureddine Benticha, Chief political advisor for the presidency of Béja Caïd Essebsi, Nidaa
 Tounes.
 Asma Cherifi, CEO of TACID
- October 27 Amer Laareidh, MP for Ennahda at time of MP
 Ali Zedini, LTDH
 Rached Ghannouchi, co-founder and intellectual leader of Ennahda
 Khalil Gharieni, UTICA
 Moustapha Ben Jaafar, President of the Constituent Assembly at time of ND, Ettakatol
- October 28 Mohamed Mahfouz Fadhel, President of Tunisian Bar Association at time of ND (by
 phone)

6.1 The Road Map, English version

The Quartet National Dialogue Initiative

[The following roadmap is proposed] [i]n recognition of the sensitive stage that the country is going through in its transition towards democracy, [and] in an effort to move ahead with the building of democratic institutions with a view to realizing the objectives of the revolution, the different stakeholders. [It is] aware of the necessity to put the supreme national interest first through the adoption of a consensus-based approach that will lead to the organization of fair and transparent elections that ensure peaceful political competition on an equal basis and that allow the people to exercise its sovereignty in the election of its representatives and rulers. [It also] ensures that fault lines are avoided that may take us to the unknown.

The organisations sponsoring the National Dialogue, namely the **UGTT, the UTICA, the National Bar Association and the Tunisian League of Human Rights** propose a roadmap that translates the will of the political stakeholders to resolve the crisis and that represents an implementation of the dialogue sponsors' initiative that was presented to and discussed with the political parties. The roadmap provides for the following:

A first session of the National Dialogue shall be convened by the sponsor organisations and shall be attended by the three Presidents and the leaders of the political parties represented in the NCA. During this session, the following measures shall be announced:

- The formation of a government of national competences is accepted. The government shall be headed by an independent national figure and its members shall not be candidates to the subsequent general elections. This government shall replace the current government which shall undertake to resign and shall have full powers to govern. No motion of no confidence against this government shall be submitted unless signed by half of the NCA members. The motion shall be voted by two thirds of the assembly at least.
- The NCA shall resume its sessions, identify its powers and shall set a date for the end of its term.
- Consultations to choose the independent national figure to lead the government shall begin
- A roadmap to complete the transition to democracy and set the timeline for the presidential and legislative elections shall be agreed and announced to the public after its signature by the different parties and publication under a law enacted by the NCA in a special session on amending and supplementing the law on the provisional organisation of powers

The roadmap provides for the following themes:

1/ Regarding completing the work of the NCA:

The NCA shall resume its work and shall reach the end of its term in four weeks as of the date of the first session of the National Dialogue:

- Members of the High Elections Commission shall be selected and the Commission shall be established within two weeks.
- The electoral Law shall be completed and enacted within two weeks.
- The election agenda shall be set within two weeks as of the establishment of the High Elections Commission
- The Constitution shall be approved within four weeks at the latest with support from an expert committee that will provide the necessary help to complete the Constitution within the set deadline.

2/ Regarding the formation of the new government:

- Simultaneously with the resumption of the work of the NCA, consultations shall start to choose an independent national figure who will be entrusted with the task of forming the government. The consultations shall end with the appointment of the head of the new government whose name shall be announced within one week at the latest.
- The appointed personality shall lead the consultations to form the government. These consultations shall be completed within two weeks at the latest.
- The government in office shall resign compulsorily within three weeks at the latest as of the date of the first session of the National Dialogue.
- The NCA shall approve the establishment of the new government.
-

3/ Regarding the National Dialogue:

The political stakeholders shall undertake to continue the National Dialogue under the auspices of the four organisations as a framework of negotiations to solve the contentious issues that preclude the successful completion of the transitional period and to support the government in the performance of its duties.

Done in Tunis on September 17, 2003

UGTT

UTICA

The Tunisian Bar Association

The Tunisian League for the Defense of Human Rights

Translated⁷² from the Arabic version published on <https://www.facebook.com/notes/539863302754766/>

Retrieved 30.11.2016

⁷²Translation by: ITIS - INTERPRETATION TRANSLATION INTERNATIONAL SERVICES, 7 RUE Mongi Slim Menzah V, 1004 Tunis, Email: itis@gnet.tn

6.2 The Road Map, Arabic version

مبادرة الرباعي لتسوية الأزمة السياسية

تقديرًا لدقّة وحساسية المرحلة التي تمر بها البلاد في هذا الظرف من مسار الانتقال الديمقراطي وسعيًا للوصول إلى مرحلة المؤسسات الديمقراطية بما يحقق أهداف الثورة وشعورًا من كل الأطراف بضرورة تغليب المصلحة العليا للوطن باعتماد منهج التمشي التوافقي للسير نحو انتخابات نزيهة وشفافة تضمن التنافس السياسي السلمي والمتكافئ ويمارس فيها الشعب سيادته في اختيار ممثليه وحكامه، ولقطع الطريق أمام كل المنزلقات التي قد تؤدي إلى المجهول.

تتقدم المنظمات الراعية للحوار الوطني الإتحاد العام التونسي للشغل والإتحاد التونسي للصناعة والتجارة والصناعات التقليدية والهيئة الوطنية للمحامين والرابطة التونسية للدفاع عن حقوق الإنسان خارطة طريق تجسد إرادة الأطراف السياسية في الخروج من الأزمة وتمثل تفعيلًا لمبادراتها بعد أن عرضتها وناقشتها مع الأحزاب السياسية، وتتضمن هذه الورقة:

تتعدّد جلسة أولى للحوار الوطني بدعوة من المنظمات الراعية يحضرها كل من الرؤساء الثلاثة ومسؤولو الأحزاب السياسية الممثلة في المجلس الوطني التأسيسي، ويتم خلالها الإعلان عن:

• القبول بتشكيل حكومة كفاءات ترأسها شخصية وطنية مستقلة لا يترشح أعضاؤها للانتخابات القادمة تحلّ محلّ الحكومة الحالية التي تتعهد بتقديم استقالتها، وتكون للحكومة الجديدة الصلاحيات الكاملة لتسيير البلاد، ولا تقبل لائحة لوم ضدها إلا بإمضاء نصف أعضاء المجلس الوطني التأسيسي ويتم التصويت على حجب الثقة عنها بموافقة ثلثي أعضائه على الأقل.

• استئناف المجلس الوطني التأسيسي لجلساته وتحديد مهامه ونهاية أشغاله.

• بدء المشاورات حول الشخصية الوطنية المستقلة التي ستعهد لها مهمة تشكيل الحكومة.

• الاتفاق على خارطة بشأن استكمال المسار الانتقالي وضبط روزنامة الانتخابات الرئاسية والتشريعية وإعلانها للرأي العام بعد إمضاءها من كل الأطراف وإصدارها ضمن قانون يصدره المجلس الوطني التأسيسي خلال جلسة خاصة ويتم التنظيم المؤقت للسلط العمومية وينقحه.

وتتضمن الخارطة المحاور التالية:

1/ في استكمال أعمال المجلس الوطني التأسيسي:

يستأنف المجلس الوطني التأسيسي أشغاله وينهي المهام التالية وجوبا في أجل لا يتجاوز أربعة أسابيع من تاريخ الجلسة الأولى للحوار الوطني:

- إنهاء اختيار أعضاء الهيئة العليا المستقلة للانتخابات وتركيزها في أجل أسبوع واحد.

- إنهاء إعداد وإصدار القانون الانتخابي في أجل أسبوعين.

- تحديد المواعيد الانتخابية في أجل أسبوعين من إنهاء تركيز هيئة الانتخابات.

- المصادقة على الدستور في أجل أقصاه أربعة أسابيع بالاستعانة بلجنة خبراء تتولى دعم وتسريع أعمال إنهائه وجوبا في الأجل المشار إليه.

2/ في تكليف وتشكيل الحكومة الجديدة:

- بالتوازي مع عودة المجلس الوطني التأسيسي لأشغاله تنطلق المشاورات لاختيار شخصية وطنية مستقلة تكلف بتشكيل الحكومة وتنتهي باختيار رئيس الحكومة الجديدة، وإعلان الاسم في أجل أقصاه أسبوعا واحدا.
- تتولى الشخصية المكلفة إجراء مشاوراتها لتشكيل الحكومة وإنهائها في أجل أقصاه اسبوعين.
- تقدم الحكومة الحالية استقالتها وجوبا في أجل أقصاه ثلاثة أسابيع من تاريخ الجلسة الأولى للحوار الوطني.
- يتولى المجلس الوطني التأسيسي المصادقة على تكليف الحكومة الجديدة.

3/ في الحوار الوطني:

تلتزم الأطراف السياسية بمواصلة الحوار الوطني برعاية المنظمات الأربع كإطار للتفاوض لحل بقية المشاكل الخلافية التي تعيق إتمام المرحلة الانتقالية بنجاح ولإسناد الحكومة في مهامها.

وحرّر بتونس، في 17 سبتمبر 2013

الاتحاد التونسي للصناعة والتجارة والصناعات التقليدية

الاتحاد العام التونسي للشغل

الهيئة الوطنية للمحامين بتونس

الرابطة التونسية للدفاع عن حقوق الإنسان

<https://www.facebook.com/notes/539863302754766/>

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