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Strengthening democracy in Tunisia Recommendations for a transparent, inclusive and accountable political system

In December 2011 the “Center for Applied Policy Research” (C·A·P) of the University of Munich organized an applied political science seminar entitled “Tunisia, Germany and Europe at the moment of change – process of transition, organisation of the state and Euro-Mediterranean partnership” in Tunis. This interactive seminar served two objectives: studying political and socio-economic questions regarding the transition process in Tunisia and developing the participants’ methodological, analytical, and presentation skills.

The seminar assembled 35 Tunisian students and young researchers from Master and PhD programs in political science, economics, law, journalism, and German studies at several universities (Faculté des Sciences Juridiques, Politiques et Sociales de Tunis, Faculté de Droit et Sciences Politiques de Tunis el-Manar, Faculté des Lettres, des Arts et des Humanités de La Manouba, Institut de Presse et de Sciences de l’Information de La Manouba, Institut National du Travail et des Études Sociales).

The participants of the seminar were asked to examine four issues of the democratic transition in Tunisia identified beforehand: the role of citizens, political parties, newspapers and other media and the question of good governance. In fact, if the success of the democratic transition presupposes a swift and efficient solution of the economic and social problems by way of respective public policies, none of these policies can be adopted and implemented without consolidation of the Tunisian political system.

The measures proposed by the Tunisian seminar participants are intended to contribute to the public debate needed to render Tunisia’s new political system more transparent, more inclusive and more accountable. This publication is based on the contributions of the Tunisian participants during the seminar, the results of which have been synthesised in several thematically grouped reports. These reports, written by the seminar participants themselves, were then compiled and aligned by the editors. Thus the final text represents a consensus which does not necessarily reflect the point of view of each and every participant nor does it commit the University of Munich or the participating Tunisian institutions.

The editors

The following is a list of students and young researchers who participated in this seminar: Ahmed Hamza, Amal Kammoun, Amani Soltani, Aref Mesbeh, Amina Zeyeni, Aymen Hammami, Riahi Chayma, Elyssa Jalloul, Emma Tlili, Farah Chekili, Faten Mechtelli, Ferdaous Zogati, Haïfa Bettaïb, Hizia Arnouni, Imen Taleb, Jihane Ben Yahia, Khouloud Kawekab, Lamia Ben Salah, Maroua Zoghلامي, Meriam Mokline, Mohamed Azer Zouari, Mohamed Aziz Hedfi, Mohamed Ramzi Ghannouchi, Nawel Achour, Neda Kabouchi, Néjib Khabouchi, Ridha Saada, Refka Methlouthi, Sarra Imen Chaherly, Selima Djaït, Sinda Karoui. Nora Ben Ameer participated as project assistant. This English version of the paper is a translation from the original version which has been published in French. For their editorial assistance we thank Lauren Elias and Holger Fabian Sahl.

1. Professionalizing and consolidating the political parties

Political parties are a key element in a representative democracy if they function to allow the people to reach an understanding regarding the major issues of society on the basis of competing political platforms and in a peaceful manner. In order for Tunisian parties to play this crucial role they will need more experience and will have to introduce the institutional mechanisms, enabling the gain and exercise of power.

Improving the training of activists and members

The electoral campaign of October 2011 has revealed the lack of professionalism of many parties. For the establishment of democracy such deficits are dangerous in two respects: first, the parties run the risk of playing only a poor role as actors within the governance of the country; second, they may not be able to fulfil their task of transmitting the political culture to the citizens.

To support the training of party activists, the Tunisian authorities should provide facilities where seminars could be organized with the participation of experts in political science and constitutional law on topics such as political culture, political institutions, the function of political parties and their specific procedural workings. In this respect the European Union could also play a role and support the exchange of experience and the transfer of knowledge between European political parties and their Tunisian counterparts. One of the priorities of these formative activities should include a party's mission and structure as well as the running of an electoral campaign.

Banning populist practices of Tunisian parties

The October 2011 electoral campaign has seen a certain number of populist practices such as quasi-financial support by way of food donations at social occasions like weddings. Although such social action is to be regarded as an important humanitarian act and expression of societal solidarity, it should be handled by civil society organisations rather than by political parties that should commit their undivided attention to their tasks in the political realm.

The populist path could be stopped by the adoption of a charter of non-binding rules (a type of soft law) specifying the range of permissible actions of political parties. If this voluntary plea turns out to be insufficient, one would have to pass a law which prohibits political parties from any charitable activities and impose sanctions in case of non-compliance.

Supervising the governing parties by the constitutional Court

The democratic system should provide a mechanism to keep a dominating party from turning hegemonic. More specifically this requires a setting of rules that guarantee the existence, the statute and the operational means of opposition parties.

For this purpose the constitution will have to include the establishment of a constitutional Court which guarantees the principles of democracy and of the rule of law. This Court should first of all see to it that the rights attributed to the political minority forces are strictly respected. Moreover, each political party should be allowed to appeal to the Court if it claims that the authorities have acted contrary to certain constitutional regulations.

Reducing the number of political parties

During the post revolutionary period in Tunisia more than one hundred political parties have been created. This certainly demonstrates a new pluralism and an undeniable enthusiasm for political participation, but it also hinders a proper democratic process because it makes it more difficult for the citizen to read the political landscape and to come to a choice as a voter.

One way of tackling the proliferation of political parties could be to limit the access of very small parties to parliament. Such a limitation would encourage the political forces to merge. For this purpose, the electoral law could for instance include a 'five percent clause' which would exclude all parties from parliament if they stay underneath this threshold in a nationwide election on the basis of proportional representation. This system would lead to some sort of auto-filtration while increasing the transparency and voter comprehension of the Tunisian political map.

2. Strengthening the media by ensuring their freedom and independence

In addition to the legislative, executive and judiciary powers the media (the press, radio, television and internet) has to play an essential role in order to enable a good democratic process. To this end, the work of journalists has to be assured by strong legal guarantees (mainly by constitutional law) and the media will have to defend their independence in relation to the political as well as business world.

Defining journalists' missions and obligations

To the extent that they provide impartial information, deliver key elements to facilitate the understanding of complex debates, refuse to apply misleading simplifications, denounce abuses they know of, and try to impartially reflect public opinion, journalists allow all of the citizens to fully assume their sovereign rights and, therefore, take on a major responsibility in the nation.

This responsibility implies some obligations for both the journalists and the leaders of media enterprises. The journalists will always have to do their job in a professional and objective manner. Regarding the big press, radio and television companies their managers will have to accept diversity of opinion and divergence of analysis, thus demonstrating that the media market is to remain competitive.

Improving basic and advanced training of journalists

So far, the initial training still turns out as rather theoretical, leaving only insufficient room for internships and practical work. This bias has been reinforced by the introduction of the new LMD (Licence, Master, Doctorat) system. Likewise, the training of journalists at later stages of their career remains insufficient and renders the learning of investigative and specialised journalism, particularly in the economic field, quite difficult. The journalists should also study law in order for them to widen their comprehension of major legal and constitutional issues and to be aware of their rights and obligations.

In aggregate, the training of journalists requires reforming the educational program in the direction of a more professional pedagogical content while strengthening the

practical dimension of the learning cycle, turning the students' attention much earlier to investigative journalism and enriching the initial formative period with a larger number of internships.

Guaranteeing the right of freedom of expression

Within the old system the access to information was tightly controlled by the political leaders who would deny journalists the collection of material which they regarded as important. Numerical data (especially statistics) and official documents would not be shared with journalists. Material which was published was under control as well. Thus, the media did not open any space wherein critical opinion could be expressed. The absence of real debate led to a kind of manipulation of public opinion.

Freedom of expression has to be proclaimed in a text at constitutional level. The journalists themselves have to be aware of the significance of free media: respective courses and workshops have to be offered for beginners as well as advanced journalists; the freedom of expression principle needs to be enshrined in the ethical code of the journalistic profession and ought to be strictly respected.

3. Ensuring a more accountable and transparent decision-making process

After years of authoritarian rule, the Tunisian government and administration have lost credibility. Only an improvement of the efficacy, accountability and transparency of governance will allow Tunisian citizens to rebuild trust in their administration. This will also help to strengthen the recognition of Tunisia as a respectable and stable country on an international level.

Fighting corruption

Corruption is a phenomenon that affects both the public and private sector in Tunisia. It takes place on different echelons, starting from petty corruption of low-level government officials spanning to corruption of the political class and high-ranking decision makers. The negative effects triggered by corruption are manifold: foreign companies and investors are discouraged from investing money in Tunisia; the economic development of the country is decelerated; and political decisions are taken based on inadequate criteria.

The solution to this problem lies in establishing a general 'clean-hands-policy', aimed at developing authorities of control and audit of public services (especially the general control of public services at the prime ministers) and aimed at improving the capabilities of these authorities to detect fraud. This should lead to a significant amelioration of the efficacy of public management in Tunisia.

Additionally, the responsibilities of these authorities should be clearly defined in order to avoid a dilution of sanctions. Companies and administrations should improve their human resource policies by offering training and incentives to employees. Finally, the provisions for public contracts and procurements should be more rigorous and complemented by strict penal laws.

Guaranteeing judicial independence

To guarantee judicial independence it is mandatory to avoid the judiciary being subordinated to the executive power, as well as to political intervention and certain influential personalities. Hence the President of the Republic should cede the right to preside over the Conseil Supérieur de la Magistrature. This post could be, in addition, democratically elected. The establishment of clear-cut and objective procedures for the recruitment and the professional development of judges and magistrates could further help strengthen their independence. The improvement of the transparency of justice is equally indispensable. To achieve this goal, one could try using electronic devices (e-judicial).

Assuring effective political communication

Government neither sufficiently communicates on its general policy nor on its sectoral policies. The result is a severe lack of information among citizens that simply do not know about the governmental actions being taken to address the major problems of society. This lack of information also leads to a deficient support of public policies.

The adoption of a communication policy and an information policy about public decisions should contribute to palliating this insufficiency. Civil society could be involved in the decision-making and implementation of government policies. Finally, the quality of public services should be measured using evaluation tools assessing the degree of participation and satisfaction among citizens.

Increasing citizen participation

Decision-making is still too concentrated and centralized: thus the expectations of citizens are only insufficiently taken into account. Civil society is still underdeveloped and not sufficiently organized to influence decision-makers. Moreover, the decentralization of Tunisia has not been efficient and does not allow for decisions to be taken according to the special needs of the regions. The administrative organization of the country cannot be justified by economic or social reason but should answer to political considerations. At the local level, the participation of citizens is still nearly non-existent. To increase the participation of citizens, it is primarily convenient to develop measures of civic education and to sensitize people about citizenship. At the local level a partnership between the state and citizens would be useful. Civil society organizations need to be activated, especially NGOs and political parties. Finally, the central power must accept the development of a real 'opposition culture' comprising dissenting opinions and views.

4. Bringing politics closer to the citizens

The integration of citizens into political life is indispensable for a well-functioning democratic system. Nevertheless, multiple factors make political involvement difficult for Tunisian citizens: the political landscape remains too fragmented; the control of power is still too abstract and too distanced from the citizens; the relations between citizens and the state are still characterized by distrust and political culture in society still has to be improved.

Making the political landscape more comprehensible

To get involved in political life, a citizen has to grasp its basic rules. Nevertheless, the high number of political parties and the unawareness among citizens about their actual power pose an obstacle to this understanding. As already mentioned above, the presence of a multitude of parties at the national level with too diverse political orientations can lead to confusion among citizens.

The mechanism triggered by the above mentioned 'five percent clause' (that exists for example in German parliament) could help to filter the political landscape, avoiding a situation in which a party with less than five percent of the votes can be represented in parliament. The readability of the political landscape could also be increased by resorting to opinion polls that are carried out by neutral and independent institutions. Finally, the media also has an important role to play by impartially informing citizens about the orientations and development of parties. It is crucial to achieve this goal by establishing diversified forms of information like the organization of public round tables on a regular basis.

Improving the control of power through decentralization

A development towards more decentralization could help to improve the control of power. Surely, federal government organizations are mostly found in countries with a high ethnic, religious or linguistic diversity (Bosnia-Herzegovina, Switzerland) or in countries characterized by a historically strong regionalism (Germany), which is not the case in Tunisia. Nevertheless, Tunisia could benefit from the establishment of an increased political autonomy on the regional level, which would help to decentralize power. The prescription of a dose of federalism should not undermine the principle of national solidarity: particularly the mechanism of budgetary transfers to the benefit of disadvantaged regions is indispensable to achieving social and economic equity between the different regions of the country.

Additionally, a cautious decentralization approximates aspects of political life (i.e. parliament, government, political parties, the media etc.) to citizens and could help them to participate more actively in the political decision-making process (i.e. concerning the distribution of public finances). If political decisions are taken closer to the citizens, citizens would be more able to control, judge and punish the incumbents of power. Accordingly, regions have the potential to function as schools of democracy.

Re-establishing trust between citizens and government

Mutual distrust between citizens and government is the third obstacle that has to be overcome to improve the inclusion of citizens into political life. To re-establish trust among citizens towards the government, one could think of enacting a sophisticated control mechanism executed by non-governmental organizations, the media and independent authorities of evaluation and investigation that regularly publish accounts and reports about the activities of public institutions. This could be realized by 'concertation committees' consisting of civil society actors.

Concerning distrust among government officials towards citizens, it can be inversely observed that political elites are sometimes on their guard against citizens, sup-

posing that the latter too often think about their own interests and fail to adequately address challenges at the national and international level.

To overcome this distrust, it would be necessary to intensify contacts with citizens at the regional and local level, to always take their concerns into account and to sensitize them for political priorities existing on a national and international level. One solution could be the periodical organization of open days in public institutions.

Strengthening the political culture of citizens

The lack of political culture among a considerable part of society is a result of the absence of political pluralism which for a long time has been one of the prime characteristics of Tunisia's political landscape. However, the transition from a situation of hegemonic dominance of one party to a situation of excessive proliferation of small parties does not facilitate the understanding and political involvement of Tunisian citizens either.

The development of a political culture is a long term goal. The young generation can be sensitized to this issue through the educational system (schools, colleges and universities). Citizens that have already finished education have to be correctly informed by the organs of press, television and radio. Transcending the factionalism of party politics, public institutions should encourage political reflection and participation through information campaigns directed towards social classes that are mostly affected by abstention and lack of political interest. The existence of politically responsible, active and well-informed citizens is an indispensable precondition for a vital democracy.

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