Strengthening democratic reform in the southern Neighbourhood

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REPORT

prepared by
Matthieu Cimino

معهد تونس للسياسة

Ecole Politique de Tunis
Tunisian School of Politics

المدرسة المواطنة للدراسات السياسية

ECOLE CITOYENNE DES ETUDES POLITIQUES

Contents.

> "I dressed quickly and joined in the revolution in which I was to participate to the end. Apart from a few short hours to sleep fitfully, wash and reassure my family, I lived in the street for eighteen days. The people I saw on *Tahrir* square were new beings no longer anything like those with whom I had been in daily contact until then, as if the revolution had freshly created Egyptians of a higher calibre"[1].

About this report.

This report forms a sequel to the regional seminar "*Understanding the Arab Spring and its impact*", held on 11 and 12 November 2013 in Hammamet, Tunisia. Organised by the Tunisian School of Politics (TSoP) in collaboration with the Citizenship School of Political Studies (ECEP), Morocco, under the programme "Strengthening democratic reform in the Southern Neighbourhood" financed by the European Union and implemented by the Council of Europe, this seminar gathered together a number of researchers, intellectuals, journalists and militants from the countries of North Africa, in particular Morocco, Tunisia, Algeria, Egypt, Libya and Mauritania.

Over these two days, the contributors pondered the events that shook the Arab world, since Mohammed Bouazizi set fire to himself up to the Egyptian coup on 3 July 2013. Three themes were proposed, corresponding to three half-days:

1] Trend of the political situation in the region,
2] Development of the constitutional process in the region,
3] Situation of rights and freedoms in the region.

This report was drawn up in the form of a scientific article divided into several sections and sub-sections. This option was preferred in order to offer overall coherence and an argumentation common to the multiple and sometimes disparate statements put forward during the two days of the seminar.

Each section, sub-section or paragraph is backed by the communications of the researchers, intellectuals or agents of revolution who contributed to this seminar. Their ideas are included in the body of the text in the form of *quotations* providing a basis for general reflection on the subject of the Arab revolutions and their consequences.

Introductory remarks – the Arab revolutions and the battle for a "democratic culture".

At the beginning of the year 2011, an "astonished" world[2] witnessed a cascade of popular uprisings in North Africa and the Middle East. Zine El Abidine Ben Ali and Hosni Mubarak, who seemed settled on their thrones from time immemorial, were swept away in a few days by a revolutionary chain-reaction: in turn, the major Tunisian and Egyptian cities joined in the chorus of a henceforth famous slogan, "*Aš-šha‹ab Yûrîd Isqât Al Niẓhâm!*"[3]. Demonstrations were organised in Morocco and Algeria. Even Lebanon, which experienced its '*Intifada of Independence*' in 2005 against the presence of the Syrian occupant, reinvented and transformed the slogan: "The

[1] Alaa EL ASWANY, *Chroniques de la révolution égyptienne*, Paris: Actes Sud, 2011, p. 13.
[2] Ahmed DRISS, Director of the Tunisian School of Politics, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.
[3] Literally, "The people want the regime to fall!"

people want the system (of 'confessionalism') to end!" can be read on a few walls in the Beirut district of Hamra.

In Syria, some children in the southern town of Daraa gathered in the forecourt of school 40 and wrote a simple pun, "*Ijâk Ad Dawr, yâ Duktûr!*"[4]. Bashar al-Assad's regime then elected to put down this initiative by brute force, firing with live ammunition into the processions of secondary students some of whom were barely 12 years old. That act heralded the Syrian revolution, soon to complete its third year with a total of over 126 000 dead[5] and millions of displaced persons and refugees[6].

However, at the dawn of the year 2014, the Arab revolutions, dissimilar by nature, are considered still to be in their early stages. As Ahmed Driss mentioned by way of an introduction to the seminar, two "great political moments" have so far marked the contemporary history of the Near and Middle East.

First of all, the initial period was one of "revolutionary shock": the world (and especially its *western* part) did not expect that these revolts calling for the establishment of democracy could arise in North Africa and the Middle East. This part of the world, riddled with authoritarianism, then seemed static and careworn, and had done for decades. A few days before the start of the disturbances, certain countries (in particular Syria) were deemed "unfit for revolution". Tunisia, ate the end of 2010, was dubbed by the French foreign affairs pundits at quai d'Orsay "the most stable country in the Maghreb"[7].

Yet contrary to all expectations, "a large part of the Arab world was receptive to this demand for democracy and this need to be emancipated and rid of dictators"[8]. That is to say, as Driss put it, the initial period "revealed that the Arab world was also capable of making history"[9]. It was thus proven that democracy, a universal value, was not the prerogative of the western countries and was at last ready to be disseminated in the Arab world and possibly beyond.

Then came the second period, that of elections and to some extent disenchantment.

After the fall of the dictators, the revolutionists witnessed the victories of the Muslim Brotherhood in Egypt and of *En Nahdah* in Tunisia. Very quickly the managerial methods of the "Ikhwân" (Brotherhood) and their strategy of absorbing the institutional apparatus were condemned, prompting the Egyptian Army to oust President Morsi on 3 July 2013. The army led a coup just a year after the Islamists came to power. As for *En Nahdah*, the formation is increasingly criticised in Tunisia for its inability to forge ahead with the constitutional work: soon three years will have elapsed since 14 January 2011, and the new Tunisia still does not have an overarching instrument.

Tunisia's neighbour Libya is racked by struggles to hold territory between a weakened State and local armed factions originating from the old geographical structure based on tribal divisions. Syria for its part is entering its third year of warfare: added to the confrontation between the FSA (Free Syrian Army) and the Syrian State (supported or possibly remote-controlled by the

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[4] In English, "It's your turn to leave, Doctor!". Bashar al-Assad is nicknamed "Doctor" because of his profession as an ophthalmologist.

[5] AGENCE FRANCE PRESSE, "War crimes in Syria: UN accuses Bashar al-Assad", *Libération*, 2 December 2013, consulted on line on 3 December 2013 on http://www.liberation.fr/monde/2013/12/02/le-guerre-en-syrie-a-fait-126-000-morts_963589.

[6] For exact statistical information, the UNHCR site is updated daily on http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486a76&submit=GO.

[7] Gilles WALLON, "The Quai d'Orsay considered Tunisia 'the most stable country in the Maghreb'", *20 Minutes.fr*, 8 February 2011, consulted on line on 3 December 2013 on http://www.20minutes.fr/monde/tunisie/666218-monde-pour-quai-orsay-tunisie-le-pays-plus-stable-maghreb.

[8] Ahmed DRISS, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[9] *Ibid.*

Hezbollah militias in Lebanon, those of the *Mahdi* Army in Iraq and the Iranian *Pasdarans*) there is another group of protagonists, the "*Dawlah*"[10] or *An Nuṣrah* Front, Islamist militias whose aim is indeed to overthrow the Syrian regime but also to carry on authoritarianism by other means, those of theocratic dictatorships.

Thus the second "moment" of the Arab revolutions is thought to have revealed that while a substantial part of Arab society craved democracy, it also stood by at the election of political parties and players who may have been less receptive than itself to this universal concept. One of the biggest failures of the Arab revolutions, says Driss, is thus being compelled to acknowledge that perhaps the Arab world was not yet "ready" for democracy.

Several questions thus arise for these two days of seminar proceedings: after three years of revolutionary struggle, what assessment can be made of the Arab revolts? How to construe the Tunisian and Egyptian difficulties in ensuring their democratic transitions? Is there a common perception of the future of the countries undergoing democratic transition? How do the principal revolutionary players see the situation at present? Is it possible to talk about 'democratic culture' in the structure of the Arab Spring? In general, are the Islamic societies of North Africa compatible with democracy? How to account for countries like Morocco or Algeria not meeting the same fate as their neighbours?

This report, addressing some of the foregoing issues, is arranged in two sections:

(**1**) Firstly, relying on a comparative case study (*Algeria* and *Morocco*), an effort will be made to understand **what are the factors that forestalled the revolutionary chain-reaction in certain North African countries**. Despite fairly similar socio-economic and institutional structures, Algiers and Rabat have succeeded in sidestepping the Tunisian, Libyan and Egyptian scenarios. So can we speak of Moroccan and Algerian "exceptions"? In what way have "revolutionary fatigue" and the oil question played a major part in Algeria? By which strategy does the Moroccan monarchy succeed in anticipating then taking over popular demands, while broadening the scope of its political legitimacy?

(**2**) Next, at a second stage we shall turn to the countries currently undergoing democratic transition, viz. Tunisia, Libya and Egypt. With a view to comparison, we shall scrutinise the **institutional indicators for evaluating the democratic transitions**. Now almost three years on from the Tunisian and Egyptian revolutions, what accounts for the delays accumulated by the constituent assemblies supposed to be drawing up new overarching instruments? How to assess the action of the Muslim Brotherhood and *En Nahdah* fundamentalist governments? Finally, looking at the changes in the national associational fabric, how can the progress of democratic transition be measured objectively?

[10] Literally "the State". It is the discursive shortcut used to refer to ISIL ("Islamic State of Iraq and the Levant"), or Al-Qaeda in Syria.

[SECTION 1]
REFORM IN AUTHORITARIAN COUNTRIES: COMPARATIVE SURVEY OF *POST*-2011 ALGERIA AND MOROCCO.

At the beginning of 2011, in the space of three weeks the Tunisian and Egyptian peoples deposed their respective presidents (Zine El Abidine Ben Ali and Hosni Mubarak) to cries of "*Irḥal!*" (*get out*): the two leaders, with over half a century of wielding power between them at the time, fell one after the other. A few weeks later it was Muammar Gaddafi's turn to be overthrown then killed, following a French-led military intervention.

During this period of 2011 when history "speeded up", all eyes turned towards Tunisia, Egypt and Libya. Nonetheless the adjacent countries – particularly Morocco and Algeria – were not spared the spasms of protest: while King Mohamed VI was targeted by the "20 February" day of mobilisation, Abdelaziz Bouteflika sustained several major demonstrations directly opposing the regime and himself. But despite predictions of a "domino effect", the upshot of these events was not the demise of these two regimes, which have proved their "resilience"[11] or at least malleability in the face of their population's socio-economic demands.

What happened in Morocco and Algeria? In this first part we shall try to understand what factors and phenomena contributed to Rabat and Algiers being "spared" the fates that befell Ben Ali and Mubarak. Accordingly, reference will be made to the following:

(1) In Algeria, the theory of '*revolutionary fatigue*'. In the national symbolic register of Algeria (Anderson, 1983), the *Thawrah* refers to the "million and a half martyrs" of the war of independence then, in the 1990s, the civil confrontation between the ISF and the Algerian Army. In this first sub-section, predicating on the concept of 'revolutionary fatigue' proposed by Zoubir (2013), it will firstly be shown how Algeria's authoritarian power succeeded in turning aside the 'threat' of a general revolt by taking its stand on the national revolutionary heritage and the widespread fear of civil violence recurring.
Attention will then be drawn to the diversionary strategies used by players of civil society to carry on the revolution "by other means", specifically those of sectorial revolts. In so doing, Algeria shields itself from the risks of violent revolution while exerting pressure on the regime to make it reapportion the proceeds of oil income.

(2) '*Morocco, an exceptional monarchy?*' This second sub-section will make an analysis, based on the work of Ferrié and Beaudouin (2012), Meslouhi (2013) and Laaraj (2013), of the kingdom's preservation strategy or how it manages to contain then absorb the national movements of dissent and has done so since the 1970s.
For that purpose it will firstly be shown how King Hassan II then his son Mohamed VI knew how to rely on the consensus supporting the monarchy and on a policy of "gradual outreach" to contain popular discontent. It will be seen that the strategy of the Kingdom consists in selectively taking over and meeting certain demands in order to keep itself in existence.
Next, the second sub-section is built like a case study around events of 2011. Confronted with national demonstrations, Mohamed VI urgently announced a series of reforms but above all the drafting of a new constitution for the kingdom. This

[11] According to HAMADOUCHE (2009).

forestalled the demonstrators' initiatives which fizzled out in a few days. On the basis of this major development, it will be explained how the 2011 constitution enabled the Moroccan power to pre-empt the 20 February demonstrators and preserve the monarchical structure while opening the door to certain liberal advances. By doing this, the Hashemite regime maintained itself while retaining a remit and a legitimacy of considerable extent.

(1) "*Revolutionary fatigue*", or how the authoritarian power in Algeria succeeds in warding off the threat of the Arab Spring.

After Ben Ali fell, Algeria was very quickly singled out as a "natural step" towards revolution (**1**): the ruling power, authoritarian and sealed off since 1999 by Abdelaziz Bouteflika, seems incapable of meeting the aspirations if its people, who react with protest, expatriation or sometimes suicide. At the beginning of the year 2011, the country's life was furthermore punctuated by large-scale demonstrations prompting belief in a likely vacation of the state leadership. This did not happen, the demands having been as it were "absorbed" by the regime.

This first sub-section will explain the situation by the concept of "revolutionary fatigue" and by the pervasive fear of resumption of civil war (**2**). It will then be shown how the Algerians "circumvent" revolution by other means, particularly sectorial revolts (**3**).

Algeria confronted with its 'Harragas': a "natural step" towards revolution?

At the end of January 2011, when Tunisia had just lived through the events the 14th and the departure of President Ben Ali, Algeria experienced a wave of burnings in "less than a week"[12], with five persons trying to end their lives by sprinkling themselves with petrol then striking a match. By this initiative of extreme violence they participated in building a *symbol*, that of "life's serious burn victims"[13], whose despair resoundingly echoes Mohamed Bouazizi's[14] and so many other young *Harragas*[15]. In attempting suicide or leaving their country on flimsy craft, they express the deep-seated unease of their generation and thus of a whole society.

With the resurgence of these acts, there was no delay in pointing to the "domino effect" of the Tunisian revolution; certain observers took it for granted that after Ben Ali, the next on the list would be Abdelaziz Bouteflika.

The Algerian President in fact heads a corrupt country fraught with favouritism and savaged by an endemic unemployment rate[16] but above all anguished by the glaring absence of

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[12] Saral ELKAÏM, "Algérie: l'immolation par le feu ou l'ultime appel à un pouvoir sourd" (Algeria: immolation by fire or final appeal to an unheeding power, *Grotius International*, 31 March 2012, consulted on line on 22 November 2013 on www.grotius.fr/algerie-limmolation-par-le-feu-ou-lultime-appel-a-un-pouvoir-sourd/.

[13] Salim CHENA, "L'Algérie dans le 'Printemps arabe' entre espoirs, initiatives et blocages" (Algeria's hopes, initiatives and stoppages in the 'Arab Spring'), *Confluences Méditerranée*, 2011/2, No. 77, p. 105.

[14] Concerning Mohamed Bouazizi, see Robert F. WORTH, "How a Single Match Can Ignite a Revolution", *The New York Times*, 21 January 2011, consulted on line on 22 November 2013 on http://mrdivis.yolasite.com/resources/self-immolation.pdf.

[15] Literally the "burners" designate those "young migrants originating from the Maghreb who attempt to reach European shores", Noureddine KHALED, "Adolescents harragas: risquer sa vie comme seule possibilité de réalisation de soi" (Harragas youth: risk of life the sole possibility of self-realisation), *Adolescence*, 2013/3, Vol. 31, No. 3, p. 699.

[16] For an analysis of Algerian economic structures, see Moundir LASSASSI, Christophe MULLER, "Réseaux sociaux et insertion sur le marché du travail en Algérie" (Social networks and labour market inclusion in Algeria, *Working Paper No. 756*, May 2013, consulted on line on 24 November 2013 on http://www.erf.org.eg/CMS/uploads/pdf/756.pdf.

fundamental political, economic and social freedoms, despite the existence of a constitution "of exemplary Soviet spirit"[17]. Moreover, the Algerian State has at its disposal some 200 billion dollars in oil income and harbours an extremely young population (50% aged under 30, while this group makes up 72% of the country's unemployed[18]). The political class, jocularly called "caste of dinosaurs"[19], suffers from a real crisis of legitimacy while the collective ideation of the principal political players reveals a "total lack of plans" on their part, incapable as they are of meeting the people's aspirations. Thus Algeria was under observation in 2011 as a "natural step"[20] towards revolution.

Between January and April 2011, the "domino" theory (or that of *spillover* effect) seemed to be confirmed as the Algerians, stimulated by the Tunisian events [21], embarked on the "sugar and oil riots"[22] in reaction to the substantial price rise for these staple commodities. Concurrently with the suicides of the "desperate ones"[23], Algeria thus lived for several weeks at the tempo of the demonstrations. In an apparently national movement, a series of groupings were organised almost simultaneously all over the country and particularly in Algiers and Oran. The demonstrators demanded freedom of assembly and opinion[24], the fall of the regime ("***Isqât Al Niẓâm***") and also the end of the state of emergency.

Thus a similar momentum to the Tunisian neighbour's seemed incipient. While several thousand young Algerians took to the streets, slogans were heard demanding the fall of President Abdelaziz Bouteflika[25], who would soon have been leading the country for fourteen years. Then on 12 and 19 February 2011, this movement reached its peak: some 3 000 persons marched in Algiers, a few yards from the presidency, and called for "real change".

Yet nearly three years after the 2011 demonstrations, the change demanded has not come about; apart from the lifting of the state of emergency (late February 2011), the institutional and socio-economic structure of Algeria remains intact. President Bouteflika still leads the country and even envisages standing for a fourth term.

How then can one account for this Algerian *inertia* when the country possesses similar revolutionary factors to its neighbours? How is this Algerian "exception" to be approached, and above all is it temporary or structural? To do so, the concept of 'revolutionary fatigue' will firstly be put forward.

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[17] According to an expression used by an outside contributor. The Algerian Constitution is in fact exemplary in that it already possesses all the attributes of a democracy; its application is what is sorely lacking, as with the "people's" Republics of the former USSR.

[18] Salim CHENA, "L'Algérie dans le 'Printemps arabe'…", *op. cit.*, p. 107.

[19] Yahia ZOUBIR, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[20] *Ibid.*

[21] *Ibid.*

[22] Concerning these riots, see Jean-Pierre PEYROULOU, "En Algérie, les émeutes ne font pas le printemps" (In Algeria, riots do not make a springtime), *Les révoltes arabes, un an après, Revue Esprit*, 2011/12, p. 90.

[23] As Isabelle MANDRAUD put it, "Algérie: les désespérés" (Algeria: the desperate ones), *Le Monde*, 10 October 2011, consulted on line on 24 November 2013 on http://www.lemonde.fr/afrique/article/2011/10/10/algerie-les-desesperes_1585077_3212.html.

[24] Salim CHENA, "L'Algérie dans le 'Printemps arabe'…", *op. cit.*, p. 106.

[25] Abdelaziz BOUTEFLIKA (born in 1937) has been President of the People's Democratic Republic of Algeria since 27 April 1999. In 2009, he commenced his third term of office on being elected with 90.2% of the votes, and contemplated standing for a fourth term (2014).

"No More Bloody Upheavals": the Algerian mind, caught between revolutionary legacies and fear of armed violence.

According to a concept proposed by Zoubir (2013), Algeria is marked by a kind of "revolutionary fatigue".

In Algerian national imagery, one of the defining myths is the "million and a half martyrs"[26]. Between the Sétif events (1945), the signature of the Évian agreements (1962) and the 1990s, several hundred thousand Algerians are believed to have given their lives for the freedom and independence of the country. But although this nationalist tenet is proudly upheld, the fact remains that many Algerians call into question the material benefit of several years of bloodthirsty revolutions resulting in hundreds of thousands of victims. This is particularly true of the 1990s, described as a "red decade" owing to civil war, isolated attacks and daily confrontations between the ISF and the Algerian armed forces.

This questioning of the *Thawrah* (Revolution) occurs especially in the speech of Algerian youth: while the revolutionary heritage and independence in 1962 are hailed, the 1988 'revolution' then the two decades of civil war are regarded as having done no more than to help divide the country and maintain a *status quo*. In this perception, the regime's underlying nature has never been queried while Abdelaziz Bouteflika has taken advantage of it to consolidate and seal off his power; in other words, "it has changed nothing".

Besides, from the first flurries of 2011 onwards, the Algerian regime was able to incorporate the revolutionary rhetoric in its survival strategy. What was the point of entering into revolts, *the Algerian regime enquired*, when the country "[already] experienced its democratic revolution in 1988"[27]? As Salim Chena comments, Bouteflika's coming to power is described in official speeches as a "revolution" having offered the country multiparty government. So why attempt to destroy these "democratic" gains? By doing this the Algerian regime took over and diverted a revolutionary heritage in order to justify its own existence.

What is more, according to the discursive logic of the regime, this heritage was combated in the 1990s by Algerian Islamism and in fact hundreds of thousands of deaths resulted. Behind this discourse an implied warning is found: a third revolution might once again cause further deaths in an uncontrollable cycle of violence. Algerians would once more pay the price for it.

Algeria's relative "absence" from the North African revolutionary arena is also explained by two other factors: firstly, Abdelaziz Bouteflika's regime forged itself an international legitimacy on the security front by joining in the concerted efforts of the "Global War on Terror" (GWOT)[28]: according to Zoubir, Algeria has become a real regional player in the fight against "terrorism", particularly through the participation of the regime in the *TransSaharan Counter Terrorism Partnership*. Indeed, after the 11 September outrages, Algerian strategy was to recall its "outpost" status in the fight against Islamist terrorism, from the early 1990s moreover.

This factor also renders comprehensible a certain form of American *benevolence* towards Algeria, in which the western fears of Islamist slippage are apparent. On that score, the American construct or representations of the Bouteflika system hint at a country deemed "secular" in the

[26] See in this connection Benjamin STORA, "Guerre d'Algérie et manuels algériens de langue arabe" (Algerian war and Algerian Arabic-language textbooks), *Outre-Terre*, 2005/3, No. 12, pp. 175-181, consulted on line on 24 November 2013 on http://www.cairn.info/article.php?ID_ARTICLE=OUTE_012_0175.

[27] Salim CHENA, "L'Algérie dans le 'Printemps arabe'…", *op. cit.*, p. 108.

[28] "War on Terrorism" is the name given by the American administration under Georges W. Bush to the military expeditions (Afghanistan, Iraq, etc.) conducted in retaliation for 11 September 2001.

forefront of the fight against political, fundamentalist Islam[29], all the more so since the victories of *En Nahdah* in Tunisia and of the Muslim Brotherhood in Egypt.

In general, Algeria is therefore not especially "hustled" by Washington when it comes to fostering institutional reforms. And internally, the security-based argument is also important since according to the Algerian authorities it constitutes a veritable bulwark against recurrence of the decade of bloodshed.

Another factor which accounts for the absence of an overall uprising in the country is the structure of Algerian political Islamism.

Whereas in Egypt the Muslim Brotherhood has built itself up politically and covertly over the past three decades, and up to 2011 constituted a political force never having known the exercise of power until then, its Algerian counterparts do not fit the same logic. Since the "red decade", political Islam has remained globally assimilated to the ISF (*Islamic Salvation Front*), whose credit is at its lowest ebb as the collective representations equate it with armed methods, terrorism and instability.

As to the "non-violent" or proselytising Islamist players, they have not been in a position to structure themselves politically, in contrast to the Muslim Brotherhood or the *Nahdah*. The Algerian civil war had a segment rigorously regulating any creation of Islamist organisations with political or social purposes[30], depriving these political players of all scope for expression hence recruitment.

Besides, another factor should be recalled here: after the civil war, the regime in 2006 and 2007 took a major U-turn: 180^0 from the prohibition of parties considered "deviant", Bouteflika's government authorised the creation of political structures. The aim of this "dumping" strategy[31] was thus to "shatter" political life by inflation (*taʿadûd*) of parties: according to Yahia Zoubir, this strategy – which coming to fruition – then has the sole ain of averting the emergence of a party similar to the ISF and more generally of Islamist structures which would threaten the "stability" of the regime.

Indeed, for the regime, what accounts for this strategy is fear not so much of terrorism as of there being a real "alternative" to the system (*Niẓâm*). Since Algerian independence, the ISF "has been the sole political player to present itself as a real alternative to the Bouteflika regime"[32]. Despite its blatant lack of a political project[33], the Islamic Salvation Front remains the only party to have genuinely "challenged"[34] the regime and presented itself to it as an option. Furthermore, the Islamic Front competes with the regime and the NLF on the issue of revolutionary authenticity: whereas the latter is thought to have "betrayed" the spirit of the 1962 revolution, the aim of the ISF is to restore it, politically but also spiritually, by propagating Islam and implanting the *Sharia*.

Thus, facing the memory of the civil war, Algerian public opinion seems paralysed by a sentiment summed up as "*No More Bloody Upheavals*"[35]. Nonetheless, this does not mean Algerian civil society is not pervaded by a dissenting movement, rather that it manifests itself by other forms of expression, as with the "sectorial revolts".

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[29] On this question, see Michael D. DRIESSEN, "Public Religion, Democracy, and Islam: Examining the Moderation Thesis in Algeria", *Comparative Politics*, Vol. 44, No. 2, January 2012, pp. 171-189.

[30] Outside contribution as part of the debate at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[31] As Chérif DRIS put it "Elections, political dumping …", *op. cit.*

[32] Yahia ZOUBIR, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[33] *Ibid.*

[34] *Ibid.*

[35] Literally "never any more uprisings with bloodshed".

Continuing the revolution by other means: case of the cyclical sectorial revolts.

Algerian society's apprehension about bloodletting revolts does not prevent diversionary protest *via* local dynamics, the "*sectorial riots*"[36] conducted in turn by teachers, judges, doctors or students.

In recent years, Algeria has been regularly swept by large-scale protest movements. Nonetheless the regime seems always to have succeeded in containing the demonstrations, notably owing to long experience of crowd control by the military and civilian police[37]. The opposition forces, facing the risk of dispersal, or bloody affrays which would thus merely perpetuate the violent momentum of earlier years, have thus apparently quitted the field of the absolute to split up according to occupational sectors but also according to regions. In so doing they avoid brutal large-scale repression, turning to *micro*-demands attended by local means of exerting pressure. More prosaically, short of engaging in armed confrontations, the cyclical recurrence of strikes or of "mini riots" by sectors (postal employees, bus drivers, etc.) could thus lead the regime to gradual acquiescence.

Next, in parallel to the security aspect, the strategy of "*cyclical and sectorial riots*" should be scrutinised through the prism of the oil income, central to contemporary Algerian issues.

The Bouteflika regime reportedly has at its disposal at present an estimated reserve of some 200 billion dollars[38] which the Algerian people considers owing to it: "I have a claim on the oil" may be heard throughout informal urban discussions[39]. The question of *distribution*[40] of this income is therefore what actuates the "sectorial" revolts: aware of the regime's immense capacities for investing and injecting foreign capital into the local and national economies, the dissenters can thus put the regime under cyclical pressure without, however, slipping into mass violence which would end in brutal repression. The concern for the protagonists of the "*sectorial riots*" is thus to strike a proper balance in the extent of symbolical or physical contestation: without actually "*going global*", the idea is thus to raise sporadic obstructions that harm the regime while they avoid seriously imperilling or impugning it. Local deadlocks thus prompt it to react and "jettison ballast", particularly on the economic plane.

On the whole, this strategy continues to pay, and on two counts in particular: firstly the Algerian government has been investing heavily for several years in infrastructures. Algiers notably pursues serious efforts in the field of housing, albeit vitiated by scandals of massive corruption[41]. Moreover, the regime has embarked on economic "reform*s*" (not "reform" generally, as Chérif Dris[42]points out), seeking to put an end to practices of favouritism and corruption.

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[36] Which may be translated by "sectorial riots".

[37] Yahia ZOUBIR, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[38] On the oil question in Algeria, see Yanis AINAS, "Les hydrocarbures: atout ou frein pour le développement de l'Algérie?"(Is petroleum an asset or a hindrance to Algeria's development), *Revue Tiers Monde*, 2012/2, No. 210, pp. 69-88.

[39] Yahia ZOUBIR, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[40] We shall avoid the term "reapportionment", applicable to systems founded on taxation of the citizens then apportionment of national resources.

[41] See in this connection Mohammed HACHEMAOUI, "La corruption politique en Algérie: l'envers de l'autoritarisme" (Political corruption in Algeria: the down side of authoritarianism), *Revue Esprit*, June 2011, pp. 111-135.

[42] Chérif DRIS, "Élections, dumping politique et populisme: Quand l'Algérie triomphe du "printemps arabe" (Elections, political dumping and populism: When Algeria triumphs over the "Arab Spring"), *L'Année du Maghreb*, IX, 2013, p 279.

What is more, these economic provisions were accompanied by early general and municipal elections in 2012. The apparent aim was thus to give them a veneer of legitimacy while slightly reshuffling the political rank and file[43]. In other words, to gain time.

So in 2011 the Algerian government was able to forestall chain-reactions of protest and thus the repetition of the Tunisian pattern. For this the Bouteflika regime relied on a twofold strategy: raising the spectre of the revolutionary 'hazard' while responding to sectorial demands with investment schemes. In this way Algeria, as it were, "protected" itself from a large-scale revolution.

This is also the position for Morocco which relies on another strategy, anticipating and hijacking popular discontent.

(2) An "exceptional kingdom"? Morocco in the shadow of the Arab revolution.

As in Algeria, Moroccan cities were affected by an incipient national revolutionary movement on 20 February 2011.

But very quickly the regime was able to head off and hijack the demands of the street activists, forestall revolts and possibly frustrate the fall of the regime. In the second sub-section, it will be shown how the strategies of the Moroccan monarch are put together in order to preserve and perpetuate its power: after a cursory overview of the "years of lead" (**1**), the focus will be on a precise illustration, the 2011 constitution (**2**).

"Self-protection through reform", survey of a monarchical power retention strategy.

At the beginning of the 1980s, after two decades wielding power, King Hassan II put an end to the *Sanawât ar-Rusâs,* the "years of lead". After ascending the throne in 1961, the son of Mohamed V made exertions to consolidate his power together with the territorial integrity of Morocco, at the cost of savagely putting down any form of political opposition[44].

Thus for twenty years the Kingdom of Morocco lived to a rhythm of riots and repression, especially against protesters from the left-wing parties: for example in 1965 the trade unionist Mehdi Ben Barka "disappeared" in Paris opposite the Brasserie Lipp[45].

Gradually opposition to the king's aggressive policy reached sensitive sectors of the Moroccan state apparatus, notably the Army; a few years after the murder of Ben Barka, Hassan II narrowly escaped two putsch attempts (1971 and 1972), carried out by senior officers of the Moroccan Army. "Betrayed", the king then realised that this repressive policy seemed to have reached its limits and now called for adjustments.

Confronted with two "enemies"[46] (opposition and Army), Hassan II took the decision to come to terms with at least one of them in order to preserve his power, which he felt gradually slipping away from him. His choice settled on the opposition, as it had not tried to eliminate him directly.

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[43] *Ibid.*

[44] Marguerite ROLLINDE, "L'alternance démocratique au Maroc: une porte entrouverte" (Democratic changeover in Morocco: a door ajar), *Confluences Méditerranée*, April 2004, no. 51, pp. 57-67.

[45] Concerning this abduction, read Bernard VIOLET, *L'affaire Ben Barka*, Paris: Points, 1995, 506 p.

[46] Khadija MOHSEN-FINAN, "Changement de cap…", *op. cit.*, p. 106.

The king's idea was then to "drop ballast" and secure some political autonomy to the opposition forces. Accordingly, in 1972, just after the second attempted coup, Morocco adopted a new constitution while the *Koutla*[47] parties were allowed into the institutional sphere on condition of joining the national consensus on the question of the Sahara[48] and the inviolability of the kingship.

Thus for the first time since ascending the throne, Hassan II threw open access to the political arena for opposition parties while defining the foundations of his power retention policy: when it seemed about to slip away from him, he "liberalised" in anticipation, meeting the popular or opposition demands while taking care to keep the opposition under control.

In spite of this first concession, the 1970s and 1980s remained particularly restless in Morocco; for example in 1981 the kingdom experienced violent rioting in Casablanca, killing some tens of the demonstrators. It was not really until the early 1990s, after the riots in Fes (again brutally put down), that a true liberal change of course materialised, undertaken by the king.

As Mohsen-Finan describes it,

> "The idea of reforming the institutions took shape when the rhetoric about the Western Sahara, which had proved unifying, showed signs of flagging and when the country's image abroad was badly sullied by Hassan's handling of human rights. The king then considered the expediency of renewing the elites, while showing readiness to engineer a political opening. At the international level, the period featured the end of the Soviet Bloc which heralded the weakening of left-wing parties, in the Arab world too"[49].

Thus the end of the cold war ushered in a policy of controlled openness and liberalisation in the kingdom. The king sought to preserve his power and his institutional scope for action while giving the international community economic and political pledges. Political "opening" (*Infitâḥ*) is thus marked by the principle of alternating power; while certain parties on the "left" attained exercise of power strictly circumscribed by the *Makhẓen*[50], the Islamists of the PJD (Justice and Development Party) were permitted to stand for the general elections, with success. However, they did not accede to executive offices and were *de jure* excluded from the exercise of governmental power[51].

After the death of Hassan II in 1999, young King Mohamed VI took power. Despite some "hesitation"[52], he decided to carry on the concessional policy pursued by his father, bearing in mind that this liberalisation strategy was finally just a tool to preserve the monarchy.

In the social sphere, Hassan II had for example put in place a body responsible for watching over human rights, the CCDH. In Abderrahim Chadid's account, it was then a matter of reviewing the "years of lead" and probably distancing the regime from these acts by indirectly assigning blame among the institutions that committed them. Nonetheless, no entity or person was named, and the CCDH committee concentrated on the victims who were to be eventually reinstated in Moroccan society. In so doing the regime recognised human rights violations but blamed individuals or small fragmented groups thus dissociated from the ambit of sovereignty of

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[47] *Koutla* refers to a Moroccan opposition political coalition which arose in July 1970 around the National Union of Popular Forces (UNFP) and the Istiqlal (PI), in anticipation of the August general elections.

[48] Morocco regards the Western Sahara as an integral part of its territory, whereas it is claimed by the Polisario Front which has Algeria's support. The Sahara was one of the major tools of national unity wielded by Hassan II during his reign, despite the existence of Moroccan parties called "autonomist".

[49] Khadija MOHSEN-FINAN, "Changement de cap…", *op. cit.*, p. 111.

[50] *Makhẓen* designates in the abstract the Moroccan power and more specifically a vertical coalition of aggregated tribes yielding, *in fine*, the unified political structure of present-day Morocco.

[51] Khadija MOHSEN-FINAN, "Changement de cap…", *op. cit.*, p. 112.

[52] *Ibid.*

the regime. However, this initiative harboured the major contradiction that the regime was seeking to open up the field of Moroccan "reconciliation" when the fracture was its own doing, not the upshot of civil war.

Then one of the major initiatives of the early years of Mohamed VI's reign was carried out in 2002. The kingdom decided to give way on freedom of association and assembly, facilitating the creation of independents bodies while leaving them a certain amount of elbow-room. Very quickly, associations saw their numbers burgeoning in the cities (Casablanca and Rabat in particular) but also in the Rif. "They overlooked not a single subject", Chahid recalls.

But in 2003, after the Casablanca attacks[53], the government went back on its decision: the system for setting up associations was reconsidered while they were henceforth more closely watched by the police, in the same way as what were called "opposition" political parties like the PJD, nevertheless far removed from the radical ideology responsible for the attacks of 16 May[54].

Meanwhile, however, the king seized the "opportunity" of the Casablanca blasts to implement the reform of the "code of personal status" (*Moudawana*). A few years earlier in 2000, the Islamists of the PJD had strongly opposed any modification of this status in a large demonstration organised in Casablanca[55]. Mohamed VI preferred to step back before he rallied by cautiously invoking his religious authority to legitimise such changes:

> "It was as commander of the faithful that Mohamed VI announced the eleven points of his reform, each being backed by a verse of the Koran. This determination to reform the family code was then presented as a project written into the democratisation process. The new family code had to be voted in Parliament, but the king reserved sole right to any religious intervention. The Islamist MPs could not in fact debate Koranic interpretations made by the sovereign without being accused of challenging the king's pre-eminence in religious matters."[56].

Thus the king has replicated the strategy implemented by Hassan II. When threatened, Mohamed VI anticipates certain popular demands then takes hold of them in order to preserve his legitimacy and scope for political action. With the reform of the code of personal status, the king availed himself of a threat (it so happened, Islamist) to prove his liberal commitment while consolidating the legitimacy of his power.

Then, in the wake of the reform to the family code, Mohamed VI in 2004 launched the IER –*Justice and Reconciliation Agency*, an "extension"[57] of the aforementioned CCDH whose aim is to organise Moroccan "reconciliation" after the years of lead. In so doing Mohamed VI carried on his father's efforts on a symbolic plane and recalled his eagerness to close the book on this period of national history.

Nevertheless, like Hassan II, his son has to contend with a trial imposed on the regime. Whereas his father sustained the coups d'état of 1971 and 1972, Mohamed VI – like all other leaders in the region – has gone through the trials of the Arab revolutions. These culminated on

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[53] On 16 May 2003, several explosions occurred in Casablanca, killing 41 persons and injuring a hundred or so. The attacks were claimed by the Islamist group *Al Safiyah Al Jihadiyah*.

[54] On the structure and ideology of the PJD, see Myriam CATUSSE, Lamia ZAKI, "Gestion communale et clientélisme moral au Maroc: les politiques du Parti de la justice et du développement" (Municipal management and moral cronyism in Morocco: policies of the Justice and Development Party), *Critique internationale*, 2009/1, No. 42, pp. 73-91 but also Ahmed CHAARANI, *La mouvance islamiste au Maroc, Du 11 septembre 2001 aux attentats de Casablanca du 16 mai 2003*, (The Islamist following in Morocco, from 11 September 2001 to the Casablanca attacks of 16 May 2003) Paris: Karthala, 2004.

[55] Ángeles RAMÍREZ, "Paradoxes et consensus: le long processus de changement de la Moudawwana au Maroc" (Paradoxes and consensus: the long process of change of the Moudawwana in Morocco), *L'Année du Maghreb*, II, 2005-2006, 8 July 2010, consulted on 23 November 2013 on line, http://anneemaghreb.revues.org/76.

[56] Khadija MOHSEN-FINAN, "Changement de cap…", *op. cit.*, p. 113.

[57] *Ibid.*

20 February 2011 when, a few days after the fall of Ben Ali, major demonstrations commenced in Morocco at Casablanca and Rabat.

In that instance, like his father Mohamed VI responded with a sweeping reform, that of the 2011 constitution. By anticipating then appropriating the dissenters' demands, the king's aim was then to deflate the revolution.

The 2011 constitution: a "participative" tool of revolutionary deflation?

Since the 21st century began, Morocco has not been immune to sectorial revolts either. Regularly, taking inspiration from the Algerian modus operandi, this or that corporation gets up in arms[58], intimating to the royal power the necessity of making reforms and breaking the deadlocks condemned in all North African countries and encapsulated in corruption, favouritism, cronyism and unemployment.

Now, although these demonstrations had not hitherto gained breadth, the beginning of the Tunisian revolution seems to constitute a turning-point. On 20 February 2011, hard on the heels of Ben Ali's ousting, these localised revolts gave way to a national movement launched by a motley coalition of opposition elements, comprising by turns the Moroccan Human Rights Association (AMDH), *Adala* or the "*Shabâb Facebook*"[59], a structure that grew up of its own accord on the social network of the same name and bringing together individuals some of whom had no apparent connection with the opposition parties.

As in Algeria, the fall of Ben Ali and the regional upheavals were disturbing to the established power and led it to believe in a potential "domino effect" or at all events a risk of nationwide propagation of movements hitherto scattered all over the territory. The response of the regime was prompt: on 9 March, a few days after "20F", King Mohamed VI announced in a speech a series of political, economic and social reforms, but above all the drafting of a new constitution for the country. In other words the king claimed to have heard the popular demands and announced the intention to answer them.

Firstly, which construction should be placed on the decision of 9 March in the light of the February mobilisations? Two approaches are to be emphasised. According to Jean-Noël Ferrié and Beaudouin Dupret, the events of 2011 are not to be read through the prism of the "20 F" demonstrations which, though built around legitimate liberal demands, nonetheless bear no comparison with the Tunisian, Egyptian and Libyan situations[60]. On the contrary, the constitutional reform is really the outcome of a long process decided and weighed up, that of the "defusing efforts"[61]. Undertaken since the early 1990s, their aim is to ensure, in time, a smooth Moroccan "political" transition allowing royal authority to be preserved and renewed, though without supplanting the existing institutions:

> "Democratic transition is understood to mean a more or less speedy, pacified process whereby the rulers and their institutions yield room to other institutions and other rulers; some of the former rulers, generally "reformers", may also mix with the new ones or actuate the change by transforming themselves to begin with.
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> In Morocco, it is difficult to talk about democratic transition, not because the regime has never become liberalised but because there has never been any question of change of regime in the sense of

[58] Karine BENNAFLA, "Introduction", *Confluences Méditerranée*, No. 78, March 2011, p. 15.
[59] Literally "Facebook youth".
[60] Jean-Noël FERRIÉ, Beaudouin DUPRET, "La nouvelle architecture constitutionnelle et les trois désamorçages" (The new constitutional architecture and the three defusing moves), *Confluences Méditerranée*, No. 78, 2011, consulted on line on 23 November 2013 on http://hal.archives-ouvertes.fr/docs/00/76/42/12/PDF/Confluences_MA_diterranA_e_Les_trois_dA_samorA_ages.pdf.
[61] *Ibid.*

replacing the institutions with others. As Abdallah Saaf puts it, political transition is a more suitable phrase in that the regime endures but changes considerably by incorporating new elites"[62].

In his speech of 9 March 2011, Mohamed VI thus announced a constitutional reform for the kingdom. For many observers, the timing met a need to predicate on an aggravation of the social movement begun on 20 February; in the present case, while it is difficult to determine the regime's motives, the new constitution at once allows the reforms vital to the survival and institutional reproduction of the regime to be pursued, while pulling the props away from the demonstrations.

In other words, the king is presented as having clearly leaned on the movement of 20 February in order to justify in the eyes of the population a reform portrayed as being "demanded" by the people but above all foreseen for a long time. Thus "technically it is a heresthetic ploy by William Riker's definition, that is one intended to portray a choice as obvious and necessary without needing to enter into a reasoned defence of it"[63].

Nonetheless, other researchers like Abderrahim Meslouhi think that the kingdom's constitutional reform was made possible *only* by fear that the revolution would spread. Had it not been so, Mohamed VI probably would not have suggested drawing up a new instrument.

Indeed, it is important to bear in mind that during the demonstrations of 20 February 2011 the slogans chanted called for an end to "corruption" (*fasâd*), improvement of living conditions for the Moroccan people, but also re-enactment of the Tunisian scenario ie the fall of the regime. Moreover, looking ahead and concerned for security, the youth movements of the political parties had reportedly received the clear instruction not to turn out that day, as the executive feared demonstrations that would go the same way as in Tunisia or Egypt. Thus, according to Meslouhi, the demands of an economic or social nature were primarily directed against Parliament but also against the king himself, called upon to reform in depth.

Aware of these popular demands, the monarchy conceived the reform process according to a participative rationale[64] aimed at breaking with the previous constitutional experiences marked by a strong French presence. Youssef Laaraj would express it this way: "in general, the French took its drafting upon themselves, so this legacy stemming from 1972 had to be left behind"[65].

Earlier on, 11 Moroccan members, political analysts and constitutional law specialists, conferred with an advisory committee composed of some 160 institutions emanating from civil society. Civil society moreover performs a fundamental role: being "more active"[66], it seems to have succeeded, during the exchanges, in supplanting the traditional political formations and energising the discussions. Indeed, whereas certain parties held back from the debates, the NGOs and associations participating proposed over 150 amendments[67].

What is more, the discussions between experts, civil society and members of political parties bore for the first time on new concepts such as "accountability" or "good governance", presented as major attributes of a law-based state. On the whole, the debates did not leave aside any fundamental question, capital punishment included.

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[62] *Ibid.*

[63] Jean-Noël FERRIÉ, Beaudouin DUPRET, "La nouvelle architecture constitutionnelle…", *op. cit.*

[64] Abderrahim MESLOUHI, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[65] Youssef Laaraj, Director of the Citizenship School of Political Studies, Morocco.

[66] *Ibid.*

[67] *Ibid.*

So which major elements are introduced by this new text?

Firstly, the constitution ensures that the regional bipolarisation between the so-called "secular" forces and those close to the Islamist movements are taken into account: accordingly the 2011 Constitution confirms Islam as the religion of the Moroccan kingdom but proposes to effect a separation between "religious" and "secular". In other words it is indeed the Constitution – not religion – that must convey the people's wishes and permit the solving of its problems. According to Laaraj, the object here is to "try and reconcile secularists and Islamists".

Concurrently, the text also reaffirms the symbolic role of the king who may henceforth appoint the Prime Minister from among the leaders of the majority party. However, royal decrees are henceforth to be countersigned by the Prime Minister, which adjusts the balance of power to the executive's advantage. As to the legislator, its powers are also strengthened to such an extent that an outside contributor enquires as to the expediency of designating Morocco as a "parliamentary regime" from now on[68].

In conclusion, what inferences can be drawn from Morocco's revolutionary deflation of 2011?

Overall the 2011 constitution, though embodying genuine liberal advances, nonetheless remains a tool designed to consolidate the symbolic function of the king, who positions himself as "legitimate" arbitrator of the events of 20 February. Again, the monarchy was able to anticipate the popular demands and to "liberalise" while sparing the feelings of the Moroccan political players opposed to the reform. And above all, it succeeds in strengthening its legitimacy by presenting itself as mediator, moderating the tensions and heeding the people's expectations.

As Aberrahim Meslouhi describes it, the 9 March address then the adoption of the constitution show that the monarchy is not a "conventional actor" of the political realm but in fact a "*Key player*" relying on a legitimacy that originates in four centuries of history and especially in the struggle against the presence of the French protectorate. Through initiatives like the one in 2011, the monarchy shields itself while ensuring that its political and religious legitimacies are revitalised[69]. Nor should one lose sight of the fact that Mohamed VI still enjoys a strong consensus[70] around the kingship – he remains "commander of the faithful"[71]. This aspect would also keep him safe from revolutionary upheavals directly assailing his office.

Thus recent decades have shown that the monarchy was able to contain the conflicts, curb the demonstrations and forestall the attempted coups d'état but also to get ahead of the social movements by liberalising selectively, backed by major initiatives that actually allow the regime to "stretch out"[72] while perpetuating itself. The strength of the Sherifian kingdom is thus to anticipate certain societal demands (gender equality, question of capital punishment[73], freedom of expression, or of religion), to promote them as indispensable for the kingdom's future, and have them publicly upheld by the king as was the case on 9 March 2011.

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[68] Indeed, Moroccan ministers are now answerable to Parliament whereas the latter has the role of applying the Constitution in law. Furthermore a Constitutional Court is set up.

[69] Abderrahim MESLOUHI, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[70] *Ibid.*

[71] In Arabic, *Al Amîr Al Mou'minîn*.

[72] Jean-Noël FERRIÉ, Beaudouin DUPRET, "La nouvelle architecture constitutionnelle…", *op. cit.*

[73] In the 2011 debates, the "right to life" was discussed at length. It does not mean that Morocco makes a commitment to abolition, but this might be so in future should the legislator decide to propose a "good" interpretation of this right.

[SECTION 2]
"WHAT COMES AFTER THE REGIME FALLS?" TUNISIA, LIBYA AND EGYPT IN THE ERA OF DEMOCRATIC TRANSITION.

In Tunisia, Libya and Egypt, one of the first outcomes of the 2011 revolutionary fractures was the organisation of free and democratic elections. In countries where the electoral act has been devoid of meaning for decades, this is a particularly powerful symbol. After the successive departures of Abdelaziz Bouteflika, Muammar Gaddafi and Hosni Mubarak, the Tunisian, Libyan and Egyptian elections would accordingly have marked the beginning of a fresh cycle, that of the fall of the Arab dictatorships, the emancipation of individuals and the establishment of universal values.

In Tunisia and Egypt, these first elections led to the victory of the Islamist parties *En Nahdah* and the Muslim Brotherhood. It did not come as a surprise, after years of structuring and activism under the shadow of autocratic regimes, that these two parties should sweep the poll, borne along by a definite popular impetus. While *Ikhwân* and *En Nahdah* discreetly held aloof from the events of protest, these two protagonists were perceived as the sole credible alternative forces, having the human, material and symbolic resources needed for the proper running of the country. In Tunis and Cairo, the electorate thereupon decided to give political Islam a "chance", it being regarded as the only viable opposition structure. Libya stands out as an exception here since the 2012 elections kept the Islamists out of the General National Congress.

But very quickly the original demand for democracy gave way to the emergence of issues not expected by the revolutionaries, to begin with the stance of the old opposition parties relegated to the fringe for decades and apparently inclined to replicate the authoritarian patterns of the former regimes. While *En Nahdah* worried the Tunisian electorate by proposing the inclusion of the Sharia in the text of the constitution, the Muslim Brotherhood were accused of infiltrating the Egyptian bureaucratic apparatus by ousting the civil servants close to the opposition. Likewise in Libya, although the 2012 elections denied the Islamists the exercise of power, they carried on the struggle by other, particularly armed, means. In general, the democratic transition seemed to take time and to diverge from the initial aspirations of the agents of the revolution.

This second section is thus intended to take stock of these transitions in three *post*-revolutionary countries, Tunisia, Libya and Egypt, and try to understand the mechanisms impeding this transition as well as its stimulating factors.

For that purpose the following will be discussed:

(1) From the Tunisian ANC (National Constituent Assembly) to the Egyptian "Inqilâb": the *constitutional question* in a comparative perspective.

After the fall of the Tunisian and Egyptian regimes, the constitution was one of the priority projects for the agents of the revolution. As the overarching instrument which defined the relationships between the governors and the governed, it is also a major political and ideological agenda that shapes the functioning of the state apparatus and defines the main lines of its action. As such, in countries undergoing democratic transition the constitution is an object of contention between political players.

This first sub-section will *begin* with an attempt to understand why, more than two years after the revolution, Tunisia still has no constitution. *Next*, a parallel will be drawn with

present-day Egypt, showing how after the fall of Mubarak the constitution catalyses the political struggles between the country's two principal forces (Muslim Brotherhood and SCAF - Supreme Council of the Armed Forces) and trying to understand the Egyptian people's gradual loss of interest in its supreme instrument after the coup of 3 July 2013.

(2) "Liberalisation" and structuring of the Libyan and Tunisian associational networks: a glance at the indicators of the state of democratic health.
This second sub-section will *firstly* point out the uniqueness of the Libyan case. Almost completely hermetical for several decades, Libyan society was abruptly confronted with a certain form of opening-up: development of NGOs, media and also associations and political parties. The first paragraph will seek to analyse the mechanisms of a "closed" regime's transition to one termed, or tending to be, "open".
Next, Tunisia will again be mentioned. Since the fall of Ben Ali, one of the salient measures of the agents of transition was to open the voluntary field to the whole of civil society. In a few months, the number of associations doubled in the capital but also the provinces. Referring to the work of Blibech (2013), here an effort will be made to assess the democratic "state of health" of Tunisia, by analysing the evolution of its local and national associational fabric over the last two decades (1990 – 2011)

(1) The Constitution, a legal-symbolical object central to the institutional transitions.

In this first sub-section, the Tunisian and Egyptian *post*-revolutionary transitions will be observed through the prism of the constitutional battle: at the core of the power stakes, the supreme instrument is a litmus of evolution in the transition process.

The first point of interest will be the delays of the Tunisian Constituent Assembly: why does the country still not have a Constitution, two and a half years after Ben Ali stepped down (**1**)? Next, the Egyptian case: in what way has the constitution, between 2011 (fall of Mubarak) and 2013 (coup), reflected the political struggles between two groups of players, the Muslim Brotherhood on one side and the SCAF on the other (**2**)?

Tunisia and its ANC: the delays of a constitutional *tabula rasa*.

After the day of 14 January 2011, one of the terms most frequently used to describe the Tunisian situation has been "transition".

Kmar Bendana evokes, for example, "Year I of transition"[74]. In France, a coalition of left-wing parties (from the Socialist Party – PS – to the New Anti-capitalist Party – NPA) appealed for support to a "genuine democratic transition"[75] in Tunisia. After the murder of Mohamed Brahmi, a Tunisian Popular Front (left) MP, Pierre Haski – journalist on *Rue89* – spoke of "endangered transition"[76].

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[74] Kmar BENDANA, "Un an et après?", *Hypothèses*, 14 January 2012, consulted on line on 24 November 2013 on http://hctc.hypotheses.org/103.

[75] AGENCE FRANCE PRESSE, "La gauche française veut soutenir la transition démocratique en Tunisie" (French left wants to support democratic transition in Tunisia, *La Dépêche*, 14 January 2011, consulted on line on 22 November 2013 on http://www.ladepeche.fr/article/2011/01/14/989937-la-gauche-francaise-veut-soutenir-la-transition-democratique-en-tunisie.html.

[76] Pierre HASKI, "La transition en danger après le meurtre d'un élu de gauche en Tunisie" (Transition endangered after murder of a left wing elected representative in Tunisia), *Rue89*, 25 July 2013, consulted on line on 23 November 2013 on http://www.rue89.com/2013/07/25/nouvel-assassinat-dun-dirigeant-gauche-tunisie-244538.

Thus, while the adjectives seeking to describe events of 2011 remain briskly discussed[77], the word transition (that is "transformation of the political realm"[78] between an instant *t* and an instant *t+1*) is, on the whole, unanimously accepted.

Now one of the major concerns of this "democratic transition" is the future of the institutions from before the 14 January 2011 fracture, as Khadija Mohsen-Finan explains in an article published by the journal *Pouvoirs*:

> "Should there be a clean break with the past, or ongoing endeavour and acceptance of the old regime's men and institutions to avoid a political and institutional vacuum?"[79].

According to Mohamed Chafik Sarsar, this question arises especially as regards the Constitution: after Ben Ali's flight, should a new one be prepared, or rather should that of 1959 be reformed?

The latter is indeed portrayed by the *legitimist* players as surety for some form of institutional continuity despite the political vacuum caused by the President's departure. On the other hand, the agents of the revolution appeal for the spirit of the supreme instrument to be preserved, hence to opt for a new constitution making a clean sweep of the old regime's institutions: "is it possible to have democratic transition by means of a constitution configured to serve authoritarianism?" as Sana Ben Achour sums it up [80].

Finally, at the beginning of March 2011, the "total revolutionary" vision prevailed: the country would thus establish a new institutional structure in order to consummate the democratic transition and safeguard "the spirit" of 14 January. This is moreover what Mohamed Outeil Dhrif alludes to when he links the completion of this "democratic transition" with the creation of a new constitution, "embodied in this process, though only part of a wider change"[81].

In other words, the reshaping of a new Tunisia depends on that of its constitution.

The process commenced on 3 March 2011. That day the acting Tunisian head of state, Fouad Mebazaa, announced the election of a National Constituent Assembly (hereinafter ANC) for 24 July 2011. Concurrently, on 23 March a decree (no. 2011-14) declared the 1959 constitution lapsed[82]. And finally, Tunisians were summoned to the polls on 23 October to elect the 217 members of the future ANC, in the first free election of the *post*-Ben Ali era.

It was won by the Islamist *En Nahdah* party (gaining 89 seats out of the total 217), linked with the Muslim Brotherhood. Hamadi Jebali, party secretary general, then assumed the leadership of the Tunisian executive and formed a coalition government[83]. Trailing far behind numerically were the Congress for the Republic (29 seats), the "Popular petition for freedom, justice and development" party, Ettakatol (20 seats) and a coalition of independent parties (8

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[77] Should one speak of "revolution, in the sense of a "transformation of the State and of the country's economic and social structure" or of a "massive revolt having succeeded in decapitating the State"? as invoked by Khadija MOHSEN-FINAN in "Changement de cap et transition politique au Maroc et en Tunisie", *Revue Pouvoirs*, No. 145, 2003, p. 115.

[78] *Ibid.*

[79] *Idem*, p. 116.

[80] Sana BEN ACHOUR, "Le cadre juridique de la transition: entre légalité constitutionnelle et légitimité révolutionnaire" (Legal framework of transition: between constitutional legality and revolutionary legitimacy), *Nachaz*, December 2011, consulted on line on 22 November 2013 on http://www.nachaz.org/index.php/fr/textes-a-l-appui/politique/34-sana1.html.

[81] Mohamed Outeil DHRIF, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[82] Concerning this question, see Éric GOBE, "Tunisia an I: les chantiers de la transition", *L'année du Maghreb*, VII (2012), pp. 433-454, consulted on line on 23 November 2013 on http://halshs.archives-ouvertes.fr/docs/00/74/18/26/PDF/Gobe_Tunisia_chantiers_de_la_transition.pdf.

[83] Kmar BENDANA, "Le parti Ennahdha à l'épreuve du pouvoir en Tunisia", *Confluences Méditerranée*, 2012/3, No. 82, pp. 189-204.

seats). Following the elections, the three majority formations[84] decided to unite in a troika, thus forming a majority in the ANC. Mustapha Ben Jaafar (Ettakatol) then inherited the post of President of the Constituent Assembly instead of the female opposition candidate Maya Jribi (PDP).

One of the ANC's first assignments was then to elect the President of the Republic, which was accomplished on 12 December 2011: with 75.74% of the votes, Moncef Marzouki was elected to the country's leadership.

At the same time the Constituent Assembly set to work to carry out its second major task: offering Tunisia a new Constitution. Yet some two and a half years after the election of the ANC, the country is still without the sovereign document and seems plunged in a deep executive and legislative crisis. As Sarsar says, "the paradox is that those who chose a complete institutional break regret it today", feeling that they have "lost" long months.

Tired of these successive delays, several thousand demonstrators took to the streets early in August 2013, demanding the dismissal of the government and the dissolution of the ANC to mark the lapse of six months since Chokri Belaid's death[85]. A few days earlier on 25 July, Mohamed Brahmi was also murdered, kindling the anger of a large part of the Tunisian opposition wearied by the delays which the ANC had incurred.

Several factors may account for these delays, together with the constituent body's difficulties in proposing a consensus among the Tunisian parties.

To begin with, this is due to the ANC's very nature and to how the Tunisian people perceive it. As Khaled Abid explains, the elections of 23 October 2011 were likened to parliamentary elections, which they were not. Indeed, the role of the constituent assembly was then to "represent"[86] the legislature temporarily until the adoption of the constitution hence the election of deputies of the Tunisian people, whatever the procedure chosen for their appointment.

But six months after President Ben Ali fell, the "democratic transition" was behindhand in showing any real results: the country, lacking a constitution and a true executive, then presumably perceived the election of the ANC as a "placebo"[87] which would "solve all their problems" whether of a political, economic or social nature. So to speak, this election, nevertheless the first after Ben Ali, was "wrongly understood" by the Tunisians.

The second factor relates to the structure of the ANC: firstly, no *deadline* was officially set. With no time constraint, the members of the Assembly thus continually postponed the due date for a constitution. And although eleven parties signed a "moral and ethical" charter[88] intended to encourage advancement of the work and its conclusion within a year, this document was not binding. The charter was very quickly forgotten and forfeited to partisan infighting focused on the terms of the Constitution. The delay then mounted up.

Likewise, the ANC was racked by a conflict over the expediency (or inexpediency) of calling in foreign experts to participate in drawing up the constitution, according to a paradigm

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[84] Actually the parties *En Nahdah*, *Congrès pour la République* and *Ettakatol*.

[85] Elise DELEVE, "Tunisie: l'opposition dans la rue, l'écriture de la Constitution suspendue" (Tunisia: opposition in the street, writing of Constitution suspended), *France Info*, 6 August 2013, consulted on line on 22 November 2013 on http://www.franceinfo.fr/politique/tunisie-l-ecriture-de-la-constitution-suspendue-1096479-2013-08-06.

[86] Khaled ABID, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[87] *Ibid.*

[88] Mohamed Chafik SARSAR, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

widespread in *post*-Soviet Eastern Europe[89]. During the preliminary work, the Assembly refused the presence of these experts, "only to demand them in the end"[90] some months later, thus adding to the delay but above all to the uncertainty surrounding the work of the ANC. Moreover, in general the vacillation of some committee members met with the incomprehension of Tunisians.

This confusion has not cleared up since, especially when there was question of restarting the work "*from scratch*", after the arrival of the foreign experts, but also when it was necessary to decide their status, or the very composition of the committee supposed to participate in the work. For example, certain experts approached to collaborate with the ANC were not officially contacted until very late, thus causing further delays in the preparation of the drafts.

Finally, on numerous occasions the Assembly seems to have been "diverted" from its principal role of preparing the draft Tunisian Constitution.

In 2011 the *En Nahdah* party invoked the expediency of mentioning *Sharia* in the sovereign document, finally desisting in the spring of 2012: in a statement to the press at the beginning of March, Rachid al-Ghannouchi[91] gave an assurance that the first article of the 1959 Constitution ("Tunisia is a free, independent and sovereign State, its religion is Islam, its language is Arabic and its government republican") would not be amended, ie retained as it stood, with no mention of Islamic legislation[92].

As it happened, the debate about mention of *Sharia* only helped to postpone by several months the proceedings of the ANC but above all to polarise Tunisian society in two factions on this issue[93]. Besides, after the speech by the *En Nahdah* leader, the Tunisian *salafi-djihadi* movements did not fail to protest, even calling for violent action[94].

Thus, more than two years after the election of the Tunisian ANC, work remains at a standstill, progressively eroding the confidence of Tunisians in the ability of their representatives to complete its work.

This question of "confidence" is moreover also topical in Egypt. Since Hosni Mubarak fell from power, there have been two contending groups of players against the backdrop of the constitutional text as the bone of contention.

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[89] Outside statement in the debate at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[90] Mohamed Chafik SARSAR, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[91] Rached GHANNOUCHI (born in 1941) is at present leader of *En Nahdah*, a party close to the Muslim Brotherhood. In exile for two decades, he came back to settle in Tunisia after 30 January 2011 and in July 2012 was reappointed party president.

[92] Isabelle MANDRAUD, "Ennahda renonce à inscrire la charia dans la Constitution", *Le Monde.fr*, 27 March 2012, consulted on line on 24 November 2013 on http://www.lemonde.fr/tunisie/article/2012/03/27/constitution-ennahda-renonce-a-la-charia_1676267_1466522.html.

[93] Ghannouchi even invoked the "pro" et "anti" Sharia, in Isabelle MANDRAUD, "Ennahda renonce à inscrire la charia dans la Constitution", *op. cit.*

[94] Particularly at the time of the Sousse attack, L'EXPRESS, "Tunisie: des djihadistes s'en prennent à des zones touristiques" (Jihadist target tourist areas), *L'Express.fr*, 30 October 2013, consulted on line on 23 November 2013 on http://www.lexpress.fr/actualite/monde/afrique/tunisie-des-djihadistes-s-en-prennent-a-des-zones-touristiques_1295599.html.

A society "riddled with resentment": the Egyptian constitutions in the face of the *Inqilâb* (2013).

Some hundreds of kilometres from Tunisia, the Egyptian constitutional scenario prompts other observations.

Firstly the country is apparently marked by a "pre" and a "post" 30 June: on that date, exactly one year after the election of Mohamed Morsi to the Presidency of the Republic, several million people took to the streets of Cairo demanding his resignation. Some weeks earlier the *Tamarud* group[95] had started a petition to that effect, collecting over fifteen million signatures[96].

After the demonstrations, the Egyptian Army – led by General Sissi – gave the President a 72 hour ultimatum. He refused, invoking his constitutional legitimacy. On 3 July 2013, after the deadline expired, the Army intervened and announced his dismissal, the suspension of the Constitution and the organisation of presidential and parliamentary elections.

For the Muslim Brotherhood, it is an *Inqilâb*[97], unlawful and anti-democratic, whereas the Egyptian Army and opposition justify it by the need to put an end to the takeover of the state apparatus by the "Brotherhood" (*Ikhwân*). Moreover, the Syrian question seems to have had a decisive influence: a few days earlier, Morsi spoke of a probable intervention in the conflict[98]. Improper for the Egyptian Army, this decision is thought to have prompted General Sissi to act and thus put an end to the infiltration of the Administration by the *Ikhwân*.

As it happened, despite the protests raised by the Muslim Brotherhood (particularly on the day of 23 September[99]), General Sissi's decision seems to have been greeted with some relief by the Egyptian population. As Hana Ebeid describes it, "the patronising rhetoric of the Muslim Brotherhood about Egyptian identity, and its inability to take account of the economic demands of urban society, have caused numerous tensions in the country as well as the collapse of its popularity"[100]. The Army, which had not opposed Morsi's election, left him free scope and decisional autonomy. But very quickly the Islamists became a real "burden"[101] for the military, one of its major aspects probably being the rhetoric of President Morsi about the Syrian conflict.

After the coup, one of the first decisions taken by the SCAF was to suspend the constitution and announce the drafting of a new text. This initiative is not innocuous; as Bernard-Maugiron says, it was truly "on the constitutional issue that the principal battles for widening of executive and legislative powers were waged"[102], and have been since Hosni Mubarak fell.

Indeed, in February 2011, immediately after the President's resignation, a constituent Assembly was set up: consisting of 50 members from different entities of the Administration,

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[95] Literally "rebellion".

[96] Hélène SALLON, "Tamarrud: 15 millions de signatures contre le président égyptien", *Le Monde.fr*, 29 June 2013, consulted on line on 21 November 2013 on http://www.lemonde.fr/afrique/article/2013/06/29/tamarod-15-millions-de-signatures-contre-le-president-egyptien_3437702_3212.html.

[97] The "coup".

[98] AGENCE FRANCE PRESSE, "La Syrie conseille à Morsi de démissionner" (Syria advise Morsi to quit), *Le Figaro.fr*, 3 July 2013, consulted on line on 23 November 2013 on http://www.lefigaro.fr/flash-actu/2013/07/03/97001-20130703FILWWW00528-la-syrie-conseille-a-morsi-de-demissionner.php.

[99] Maggie MICHAEL, "Egypt Bans Muslim Brotherhood", *The Huffington Post*, 23 September 2013, consulted on line on 22 November 2013 on http://www.huffingtonpost.com/2013/09/23/egypt-bans-muslim-brotherhood_n_3974979.html.

[100] Hana EBEID, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

[101] *Ibid.*

[102] Nathalie BERNARD-MAUGIRON, "Batailles autour de la Constitution en Égypte", *Orient XXI*, undated, consulted on line on 21 November 2013 on http://orientxxi.info/magazine/batailles-autour-de-la,0423.

civil society, the armed forces and *Al Azhar*[103], its role was to propose a new Constitution for Egypt, but very rapidly this body was harnessed by the two contending majority players, the Army on one side and the Muslim Brotherhood on the other. In turn, neither Mohamed Morsi nor the SCAF hesitated to grant themselves full powers or a right of veto over the Assembly's work[104]: the drafting of the Constitution was thus perceived as an instrument in the contenders' hands for extending their decisional scope or possibly reducing someone else's.

According to Hana Ebeid, two major factors should be emphasised in order to understand Egypt's constitutional specificity: *firstly*, the contending political players' inability to reach a compromise during the period 2011-2013 is due to the very nature of sovereign instruments. Complex, precise and particularly pithy, they prompt lengthy, by no means consensual debates, especially in a country like Egypt, bipolarised along a religious dividing line: the Muslim Brotherhood on one side, the SCAF ("secular") on the other. Besides, in periods of transition public debate needs catalysing on an issue: in the case of Egypt the Constitution is what has performed this role hitherto.

However, as presented by Bernard-Maugiron, the Constitution,

> "intended to give the prescriptive context lasting structure and stabilise social trends, must theoretically be sustained by approval of the nation's various forces and obviate any immediate contestation after being put into effect. However, one of the opposition's main criticisms of the 2012 Constitution was to have been prepared by an assembly with a 70% preponderance of Islamists. For their part, the Muslim Brotherhood withhold all legitimacy from this "committee of fifty" tasked to amend the text, considering the 2012 Constitution still valid. They moreover accuse it of being completely dominated by anti-Islamist forces. True, only two of the fifty seats were reserved for the Islamist parties. One is held by a Salafi of the Al-Nour Party — which supported the ousting of former President Morsi — and the other by a resigning member of the Muslim Brotherhood"[105].

Thus, while the Muslim Brotherhood seems to have taken control of the *post*-Mubarak Constituent Assembly, the SCAF is taking the same course by *de facto* banning the *Ikhwân* from participation in the law-giving exercise. Islamist sympathisers perceive this exclusion as a denial of the (elected) movement's legitimacy[106] but also as "punishment" for that year of power.

This perception happens to be shared by much of public opinion. Since the 3 July coup, Egyptians have seemed "less and less interested in the process of creating a new Constitution". Although a majority consider the coup "legitimate"[107], the fact remains that the coup and the formation of the "committee of 50" complicate the task of obtaining a consensus between parties, the Muslim Brotherhood having been completely excluded from the decision-making process.

Since the summer of 2013, Egyptian public opinion has thus no longer been really interested in the activities of the constitutional commission which moreover is losing its foreground role to the SCAF. For example, whereas public television broadcast the constitutional debates in 2012, now it no longer does so.

So the armed forces have opted to exclude the Islamists from the process and thus to upset the balance of the constituent body, hitherto dominated by the Muslim Brotherhood. The whole

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[103] Al-Azhar University and Mosque form one of the world's Islamic poles, being authoritative in the fields of religious thought and jurisprudence.

[104] Nathalie BERNARD-MAUGIRON, "Batailles autour de la Constitution en Égypte", *op. cit.*

[105] *Ibid.*

[106] In this connection, see Jean-Pierre FILIU, *La Révolution arabe: Dix leçons sur le soulèvement démocratique* (The Arab revolution: Ten lessons about the democratic uprising), Paris: Fayard, 2011, 264 p.

[107] Joshua KEATING, "Destitution de Morsi en Égypte: existe-t-il des coups d'État démocratiques?" (Ousting of Morsi in Egypt: are there any democratic coups?), *Slate*, 3 July 2013, consulted on line on 26 November 2013 on http://www.slate.fr/monde/74783/destitution-morsi-coups-État-democratiques.

thing could ultimately form a real obstacle both to the drafting of the text and also to the overall development of the country.

Indeed, according to Rajeb Saad, since 21 July the Egyptian Constitution has been "held hostage" by the SCAF: for many Egyptians who supported the coup, its aim was to organise eventual presidential elections. That did not happen; after two years of institutional battles and civil confrontations, society is today "undermined by resentment and mutual hatred"[108].

Still, this pessimistic approach ought not to neglect the fundamentally positive aspects of the Arab upheavals: accordingly, in the second sub-section it is proposed to determine via two case studies (Libya and Tunisia) the degree of *liberalisation* of the new *post*-revolutionary societies. The "opening up" of Libya and the Tunisian associational network will therefore be examined in a perspective of comparison.

(2) Fighting for the "*ḥurriyah*": a glance at the liberalisation of *post*-revolutionary societies.

After having approached the constitution as a major object of political struggle in societies undergoing democratic transition, the focus in this second sub-section will be on two indicators allowing the degree of *liberalisation* brought by the North African revolutions to be determined: firstly, referring to the example of Libya, we shall try to understand how and by which processes the transition from a "hermetical" society towards a so-called "open" society occurs (**1**). Next there will be a study, based on Tunisia, of the evolution of the local and national associational fabric since 1990 in order to make a tentative analysis of the country's state of democratic health (**2**).

Half a century of Libyan "hermeticism" tested by the 2011 revolution.

The Libyan *post*-revolutionary question calls for reflection on an appreciably different range of problems than for its neighbours. In the Mubarak and Ben Ali reigns, Egyptian and Tunisian society, strongly marked by authoritarianism though they were, nevertheless remained "open" to differing degrees: for example, while stays abroad were subject to often complex and arbitrary authorisation procedures (particularly in the case of Egypt)[109], they were not stringently banned. Likewise, learning a foreign language (notably French or English) remains fairly accessible, albeit reserved for the more privileged socio-occupational categories[110].

In the case of Libya, the authoritarian regime goes hand in hand with the country's very high degree of closure: during the reign of Muammar Gaddafi, the doctrine of "Jamahiriyah"[111] turned all hankerings for a stay abroad into a literal obstacle course. In general, few Libyans risked it as the application it itself could be perceived as an act of treason[112]. As for language learning, for a long time it was proscribed by "The Green Book" of the Libyan Guide to be finally phased in in the country at the end of the 1980s. Nonetheless, while opportunities for

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[108] Rajeb SAAD, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 12 November 2013.

[109] Recommended reading on Egyptian migration matters: GRUNT (2013) and PAGÈS-EL KAROUI (2013).

[110] In this connection see Frédéric ABÉCASSIS, Iman EL SAÏD, Abir MAMDOUH, Amani FOUAD, "Histoires de familles, l'appropriation de langues étrangères en Égypte au XXe siècle" (Family histories, foreign language acquisition in Egypt in the 20th century), *Égypte-Monde arabe*, No. 29, 1997, pp. 83-99

[111] The "*Jamahiriya*" or "State of the masses" was the official name of the Libyan regime from 1977 to 2011 under Muammar Gaddafi.

[112] Informal discussion at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 11 November 2013.

travel, studies abroad or access to a foreign language existed, they remained confined to a closed circle generally close to Gaddafi's power and patronage. Moreover, while the regime did in fact invite teachers (of French in particular) to come and practice in the realm, their fate was sometimes the cause of real tragedies[113].

Thus under Gaddafi the Libyan regime featured a very high degree of "closure" imposing half a century of almost total partitioning on society. From an economic standpoint, this situation was moreover made possible by the country's income structure, fed by the incredible gas and oil wealth[114].

Then in 2011 there began the Libyan revolution. During the demonstrations, one of the slogans borne by the protesters quite simply appealed for "freedom" (*Al ḥurriyah)*. According to Ali Abuzaakouk, this solemn appeal should not be thought of in purely emblematic terms but on material foundations: after fifty years of social and cultural regimentation, it was *time* for Libyan society to open up and break with the obstructive practices of the Gaddafi era. Now the question here is to ascertain how a "closed" society effects its transition to an "open" society. Abuzaakouk considers that this departure firstly calls for a certain form of social patience: five decades of structural isolation cannot "vanish" like that, and Libyan society will need time.

Nonetheless, from the first revolutionary moments a number of openness indicators abruptly turned green, especially via the emergence of an embryonic civil society. Indeed, a genuine social dynamic was set in motion with the considerable (and sudden) growth of local NGOs, media and also associations formed by virtual "spontaneous generation". After the liberation of Eastern Libya (Cyrenaica) then the western part (Tripolitania), one of the first initiatives of the revolutionary protagonists was to pass several series of laws on associations: as described by Ali Abuzaakouk, "each town, each province henceforth possessed its own newspaper, associational network, radio and television"[115].

Similarly, on the Tunisian and Egyptian patterns Libya organised free and democratic elections, for the first time in half a century. Although these experienced certain difficulties, particularly of a security nature[116], their staging was marked by strong emblematic content signifying a country embarked on its democratic transition after years of authoritarianism. Moreover, at the National Conference elections the turnout was 60%, far exceeding the hopes of the international community.

Quite obviously these positive elements nonetheless remain seriously vitiated by the present-day challenges of Libyan society, security issues to begin with. Benghazi is subjected almost daily to affrays between armed groups; the Tunisian border has materialised as a "transit area" for transnational *jihadists*; the east of the country is deemed "disturbing" because of the resurgence of Islamist activism for the establishment of a religious state founded on the Sharia; the country, unlike its Tunisian and Egyptian neighbours, harbours a considerable quantity of arms in circulation; finally the institutional transition seems not to meet the original demands of many revolutionists.

However, the considerable and immediate advances of *post*-revolution civil society stand as objective, very cogent indicators of Libya's potential for democratisation. This is also true of Tunisia, whose associational fabric will now be studied.

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113 Christophe AYAD, "La vie au pays de Kadhafi" (Life in Gaddafi's land), *Libération*, 10 April 2011, consulted on line on 2 December 2013 on http://www.liberation.fr/culture/2011/04/16/la-vie-au-pays-de-kadhafi_729499.

114 Giorgio MELETTI, "Révolution en Libye: le prix de la démocratie" (Revolution in Libya: the price of democracy), *Outre-Terre*, No. 29, March 2011, pp. 309-314.

115 Ali ABUZAAKOUK, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 12 November 2013.

116 Exchanges of shots occurred in several polling stations.

Revealing a democracy's state of health by studying its associational fabric: the case of Tunisia.

An appraisal of the state of health of a democracy or of a country undergoing democratic transition may be proposed by way of a study of its associational fabric: is there true freedom of association and assembly? Which are the processes for forming associations? According to Fadhel Blibech, freedom of association is one of the principal marks of a dynamic civil society, especially in countries undergoing democratic transition.

Indeed,

> "Associations perform the role of a countervailing power, are tasked to keep watch on the activities of a host state and may also participate in formulation of decisions through various mechanisms of participative governance. By putting forward suggestions and championing reforms, they perform a vital role in the furtherance of citizenship and the formulation of proposals purporting to meet the people's expectations"[117].

As it happened, the Tunisian revolution, the fall of Ben Ali then the transition provide an opportunity to give the Tunisian voluntary sector before and after 14 January 2011 a *check-up*:

- under the sway of Ben Ali, civil society remained deeply marked by dictatorship: first of all many associations were actually "GONGOs"[118] controlled by the regime with a highly circumscribed field of action. As to independent structures, they were under strict supervision and sometimes infiltrated by the state.

Indeed, any creation of a body must be approved by the Ministry of the Interior which takes care to prevent the emergence of associations which would be perceived as a threat in one way or another. In most cases, before 2011 political organisations met with a refusal or at the very least severe administrative obstacles. Besides, while their creation might be authorised, they did not receive state funding so that their actions were easily paralysed.

The governing power thus sought to domesticate the life of associations and to organise a "blockade"[119] of the independent bodies that might oppose central authority. As much as to say that the Ben Ali system controlled the associational fabric by "fear", surveillance and threats.

Over the last two decades, some thousands of associations have been set up: whereas the country only had 4821 in 1990, 9600 were registered in 2011 before the fall of Ben Ali.

Although their number has been multiplied by two, it does not signify any improvement whatsoever in the state of health of associational freedoms in Tunisia given that an overwhelming majority of these associations are directly or indirectly controlled by the central authority.

Where bodies dedicated to effective protection of human rights are concerned, they remain under pressure, for example the *Tunisian Human Rights League*, created under Habib Bourguiba. Boycotted by Ben Ali's presidency, its funding was almost completely cut off while a spate of decrees applied pressure to its members, some of whom belonged to the former government[120]. As another example, the Tunisian association of judges and the association of journalists saw the entire membership of their steering committee imposed by the government.

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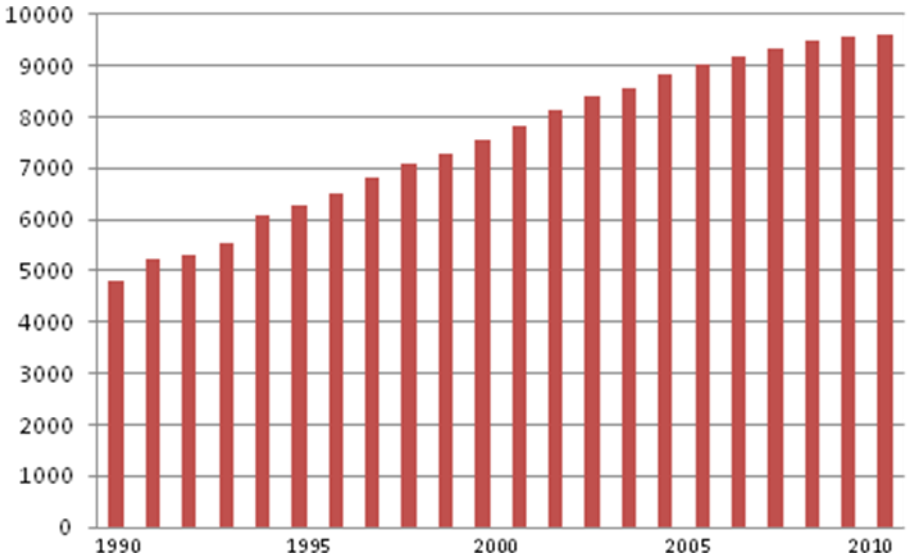
117 Fadhel BLIBECH, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 12 November 2013.

118 That is a "Government organised non-governmental organisation"; the expression refers to one or more "dummy" associations, ostensibly democratic but actually government-controlled.

119 Fadhel Blibech also mentions the "process of domesticating the associational fabric".

120 Fadhel BLIBECH, statement at the regional seminar "Understanding the Arab Spring and its impact", Hammamet (Tunisia), 12 November 2013.



"**Creation of associations in Tunisia from 1990 to 2011**"
Source: Fadhel Blibech.

- after the fall of the President, several major developments are observable. Firstly, following the events of 14 January 2011, Tunisia witnessed a spectacular proliferation of its associational fabric: in two years 5 400 new bodies were created, 2 479 for the single year 2011-2012. By comparison, between 2006 and 2010, only 107 associations had been authorised and at present Tunisia has approximately 15 000 voluntary structures.

The significant increase in these associations seems to reveal a growth of awareness here at national level that it is possible to make a commitment to civil society, which was not so during the Ben Ali period: Tunisians, incapable of creating voluntary structures, were suddenly permitted or even encouraged to come together on social, political, economic or sports issues. In other words, after having lived under an institutional pall for two decades, the Tunisians threw themselves into the voluntary loophole as soon as it opened, thereby "making up" the delay of previous years.

One of the most notable numerical progressions was in charitable and beneficent associations. After 14 January 2011, 1179 associations were created as against 485 before that period. They are oriented towards provision for orphans or medical care for the needy. They henceforth represent 22% of all Tunisian associations compared to 5% during the Ben Ali years.

In the other direction, a decline is noted in the creation of cultural and sports associations: according to Fadhel Blibech, Tunisians display "less interest and inclination" for creating this type of structure in a *post*-revolutionary period, to the advantage of political, economic, social and above all humanitarian associations.

The geographical distribution of these new associations shows a strong disparity between the capital and the peripheral and provincial regions.

Thus 1983 associations among the 5419 recently created are established in Tunis, about 36%. In the south-western region, 453 associations have come into being (8%); in the revolutionary regions[121], 514 have been registered (10%). Taking account of the demographic differences between the regions, greater Tunis has one association per 1264 inhabitants whereas the south-western region has one per 1335 inhabitants. Nevertheless, while this ratio is about even between Tunis and the provinces, the real disparities are to be noted within the Wilayas: for

[121] That is the northeast of the country.

example, in Zaghwan 9 associations were created in 2011, 6 of them in its central area. For the period 2011–2013, this figure rises to 38 with 15 in the centre only.

Furthermore, from a legal standpoint the post-Ben Ali period has been marked by the adoption of decree no. 88 simplifying the administrative procedures to create an association. The text contains several provisions, in particular:

- Simplification of association creation procedures,
- Easing of the legal framework for funding of associations,
- Emphasis on the right of association as a tool for access to information,
- Authorisation for certain associations to evaluate state institutions,
- Provision of a legal framework for forming networks of associations.

In general, the adoption of this prescriptive framework facilitates the creation of associations. It is now no longer necessary to enter a maze of procedures with the Ministry of the Interior; the applicant(s) is/are exempted from requesting authorisation and really only give "information" of their association's creation. Once the declaration is filled in, the secretary general of the government forwards a receipt and, once the instrument of creation is published in the Official Gazette, activity may commence. Moreover, if no receipt has arrived after a month, it corresponds to tacit acceptance coming under an approach of administrative simplification [122].

However, despite these administrative upheavals of *post*-14 January 2011 Tunisia, several concerns persist.

Firstly, while funding for associations was rigorously controlled under Ben Ali, it is now the reverse as no specific restriction is henceforth applied except for funds originating from countries with which Tunisia has no diplomatic relations. On that score, "charitable" organisations are most exposed; some which are accused of being linked with Islamist movements or structures allegedly receive funds in large amounts and take advantage of them to finance political parties.

Next, the recent openings regarding associations in Tunisia have not been accompanied by the necessary training for their proper management. Association leaders for the time being show poor capability in the fields of administrative and financial management, in access to finance (particularly from abroad) and also in the field of communication (relation maintained with the media) or influence. For example, associations directed at youth do not succeed in reaching their prime audience that is young people. Moreover, the limited human and financial resources of many associations do not allow them to carry through the actions for which they were created.

Finally, whereas collective action and networking of associations is considered a major factor of success[123], at the moment only 30% of them are interested in agreements to league with other structures. A great majority declare moreover that they are not interested in networking activities. Thus in general associations should be encouraged, possibly by the legislator, to establish principles of democracy, good administrative governance and financial transparency.

122 *Ibid.*

123 *Ibid.*